

000515

RECOMMENDATIONS

333
01/13

COMMUNITY PLANNING GROUP/STAFF'S/PLANNING COMMISSION

Project Manager **must** complete the following information for the Council docket:

CASE NO.

Project No. 78145, 4711 Biona Tentative Map

STAFF'S

Please indicate recommendation for each action. ie: resolution / ordinance

Deny the appeal and approve the resolution granting Tentative Map No. 242521, including a waiver of the requirement to underground the existing overhead utilities.

PLANNING COMMISSION (list names of Commissioners voting yea or nay)

YEAS: Otsuji, Ontai, Naslund, Schultz, Golba

NAYS: Griswold

ABSENT: Smiley

ABSTAINING:

TO: (list recommendation or action)

Approve Tentative Map No. 242521, including a waiver of the requirement to underground the existing overhead utilities.

COMMUNITY PLANNING GROUP (choose one)

LIST NAME OF GROUP:

- ☐ No officially recognized community planning group for this area.
- ☒ Community Planning Group has been notified of this project and has not submitted a recommendation.
- ☐ Community Planning Group has been notified of this project and has not taken a position.
- ☐ Community Planning Group has recommended approval of this project.
- ☐ Community Planning Group has recommended denial of this project.
- ☐ This is a matter of City-wide effect. The following community group(s) have taken a position on the item:

In favor:

Opposed:

By 
Project Manager

000517



THE CITY OF SAN DIEGO

333
01/13

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: August 28, 2008 REPORT NO. PC-08-113

ATTENTION: Planning Commission, Agenda of September 11, 2008

-continued to 10/9/08.

SUBJECT: 4711 BIONA DRIVE TENTATIVE MAP; PROJECT NO. 78145
PROCESS FOUR

OWNER: M. S. Browar Family Trust, Matthew and Nancy Browar, Trustees

APPLICANT: Sterling Land Services, Incorporated

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map to allow the conversion of six existing residential rental units into condominiums, including a waiver of the requirement to underground the existing overhead utilities, at 4711-4721 Biona Drive, within the Kensington-Talmadge neighborhood of the Mid-City Communities Plan area?

Staff Recommendation:

1. **Approve** Tentative Map No. 242521; and
2. **Approve** a waiver of the requirement to underground the existing overhead utilities.

Community Planning Group Recommendation: The applicant has indicated that they received approval from the Kensington-Talmadge Community Planning Group on December 14, 2005, however the Planning Group has no record of this approval. The applicant has elected to proceed without a formal Planning Group recommendation.

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301, on August 18, 2005, and the opportunity to appeal that determination ended September 8, 2005.

Fiscal Impact Statement: None with this action. All costs associated with the processing of this project are paid by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: With the proposed conversion of six existing apartments to condominiums, there would be a loss of six rental units and a gain of six for-sale units. The project is subject to the current inclusionary housing and tenant relocation assistance regulations.

BACKGROUND

This Tentative Map project is subject to the condominium conversion regulations that became effective June 13, 2006, with the exception of the parking regulations, based on the City Council's specific adoption language for the "new" condominium conversion regulations. At the June 13, 2006, hearing, the City Council adopted regulations for additional requirements for landscaping, a building conditions report, onsite inclusionary housing, noticing and parking. Based on the adopted language and project timing, all of these new regulations apply to this project, with the exception of the parking regulations. Accordingly, this project has been reviewed against the new regulations and this project can proceed to its discretionary hearing.

The 0.25-acre site is located at 4711-4721 Biona Drive, in the RS-1-7 Zone, within the Kensington-Talmadge neighborhood of the Mid-City Communities Plan area (Attachment 2). The site is presently developed with two one-story structures containing a total of six, 1-bedroom apartment units. There are four onsite parking spaces which are provided in two, 2-car garages that are located at the front of the property and accessed from separated driveways off of Biona Drive. The site is bordered by commercial development to the south, multi-family development to the west and single-family development to the north and east.

The existing buildings were constructed with approved building permits in 1950. The site is currently zoned RS-1-7, which is a single-family zone that allows one unit per lot. The Community Plan also designates the site for single-family development. At the time building permits were approved, no parking was required; although four garage parking spaces were provided. The San Diego Municipal Code would require nine off-street parking spaces for a newly constructed project and six spaces for a condominium conversion project. As discussed previously, the new condominium conversion parking requirements that were approved in June 2006, do not apply to this project, therefore, the four parking spaces provided are acceptable.

The development complies with the zoning and development regulations in effect at the time of construction and no Building or Zoning code violations have been recorded against the property. The project maintains previously conforming rights which allows the current parking and density count, as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of a 0.25-acre site into one lot to convert six existing dwelling units into condominiums (Attachment 5). The applicant is also requesting that the requirement to underground the existing overhead utilities be waived.

Section 125.0410 of the San Diego Municipal Code (SDMC) requires that a Tentative Map be processed for the subdivision of land. According to SDMC Sections 125.0440 and 125.0444, *Findings for Tentative Maps and for Condominium Conversions*, the decisionmaker may approve a Tentative Map or a Vesting Tentative Map for the purposes of the conversion of residential property into a condominium project if the decision maker finds that the proposed conversion complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed condominium conversion and determined that it complies with both the Subdivision Map Act and the San Diego Municipal Code.

Undergrounding of Existing Utilities

San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver from the requirement to underground the existing overhead utilities within the boundary of the subdivision or within the abutting public rights of way. City staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, *Underground Conversion of Utility Lines at the Developer's Expense*, in that the conversion involves a short span of overhead facility (less than 600 feet in length), it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area, the conversion would represent an isolated undergrounding with a minimum probability of extension in the future, and the conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility.

The applicant will be required to underground all existing service to the site per Condition No. 18 of the draft Tentative Map resolution (Attachment 6). The applicant would also be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 17 of the draft Tentative Map resolution.

The project site is served by power poles and overhead utilities lines located at the rear of the property. These utility lines also service the adjacent properties. As indicated above, all utilities serving this property will be required to be undergrounded. The waiver is being requested for the requirement to underground adjacent utilities serving the surrounding properties. The City's Undergrounding Master Plan designates the site within Block 3AA, and the date for undergrounding has been established for the year 2032 (Attachment 9).

Community Planning Group and Neighborhood Recommendations:

The applicant has indicated that they received approval from the Kensington-Talmadge Community Planning Group on December 14, 2005, however the Planning Group has no record of this approval. The applicant has elected to proceed without proof of a formal Planning Group recommendation.

Project-Related Issues:

All condominium conversion projects not yet heard by July 25, 2006, must conform with the current regulations regarding: inclusionary housing, tenant relocation benefits, the provision of a building conditions report, conformance with landscape regulations, and conformance with noticing requirements. This project is not required to conform with the new parking regulations for condominium conversions, based on specific language adopted by the City Council.

The requested conversion of these residential units to condominiums represents primarily a change in ownership. The applicant has certified that the required 60-day Notice of Intent to Convert to Condominiums was prepared on September 15, 2005. There were no tenants occupying the project at the time of the notice, however, the applicant has verified that all subsequent tenants have received copy of that notice (Attachment 10).

Inclusionary Housing Ordinance and Tenant Relocation Benefits Conformance:

The project has been conditioned to require the subdivider conform with the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) and demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5) to the satisfaction of the City Manager and the Housing Commission, prior to the recordation of the Final Map.

The applicant has elected to pay an in-lieu fee of \$4,500 (\$1.25 x 3,600 square feet) to satisfy the Inclusionary Housing requirement, as allowed by the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

Building Conditions Report and Landscape Requirements

In accordance with the current regulations, the applicant provided a Building Conditions Report and Landscape Concept Plan. Both of these documents have been reviewed for conformance with the applicable regulations within Land Development Code (Chapter 14, Article 4, Division 5) and have been accepted by staff as conforming with the regulations.

Noticing

The proposed project has been conditioned to conform with all new noticing requirements for condominium conversions.

Conclusion:


Staff has reviewed the request for a Tentative Map for the conversion of six residential units into condominiums and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps. Staff believes the requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

000521


ALTERNATIVES:

1. **Approve Tentative Map No. 242521, with modifications.**
2. **Deny Tentative Map No. 242521 if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department

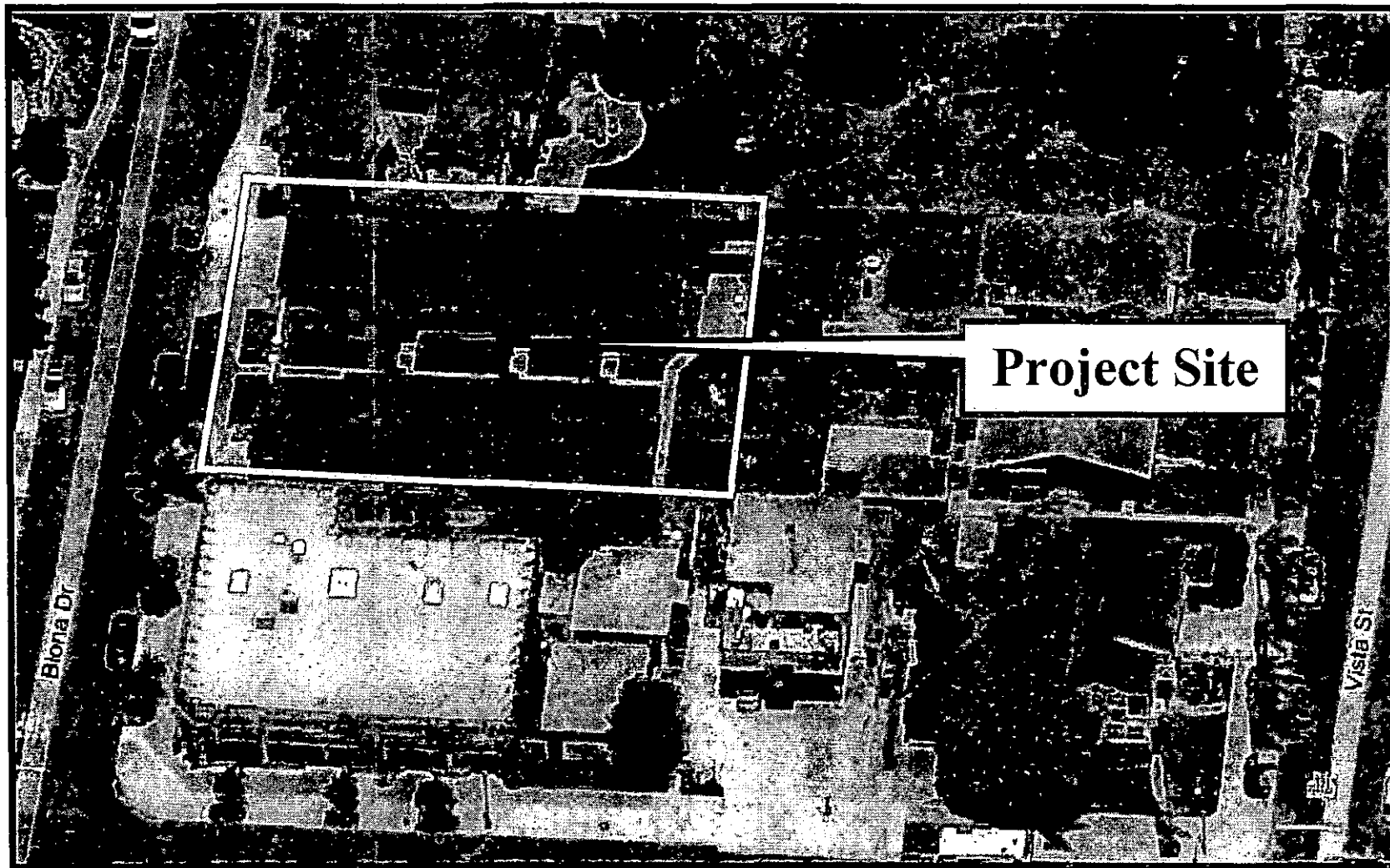


Paul Godwin
Development Project Manager
Development Services Department

WESTLAKE/MS

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map and Landscape Plan
6. Draft Map Conditions and Subdivision Resolution
7. Ownership Disclosure Statement
8. Project Chronology
9. Utility Undergrounding Master Plan Map
10. Sample 60-Day Notice of Intent to Convert
11. Photos of Existing Elevations
12. Building Conditions Report (under separate cover)

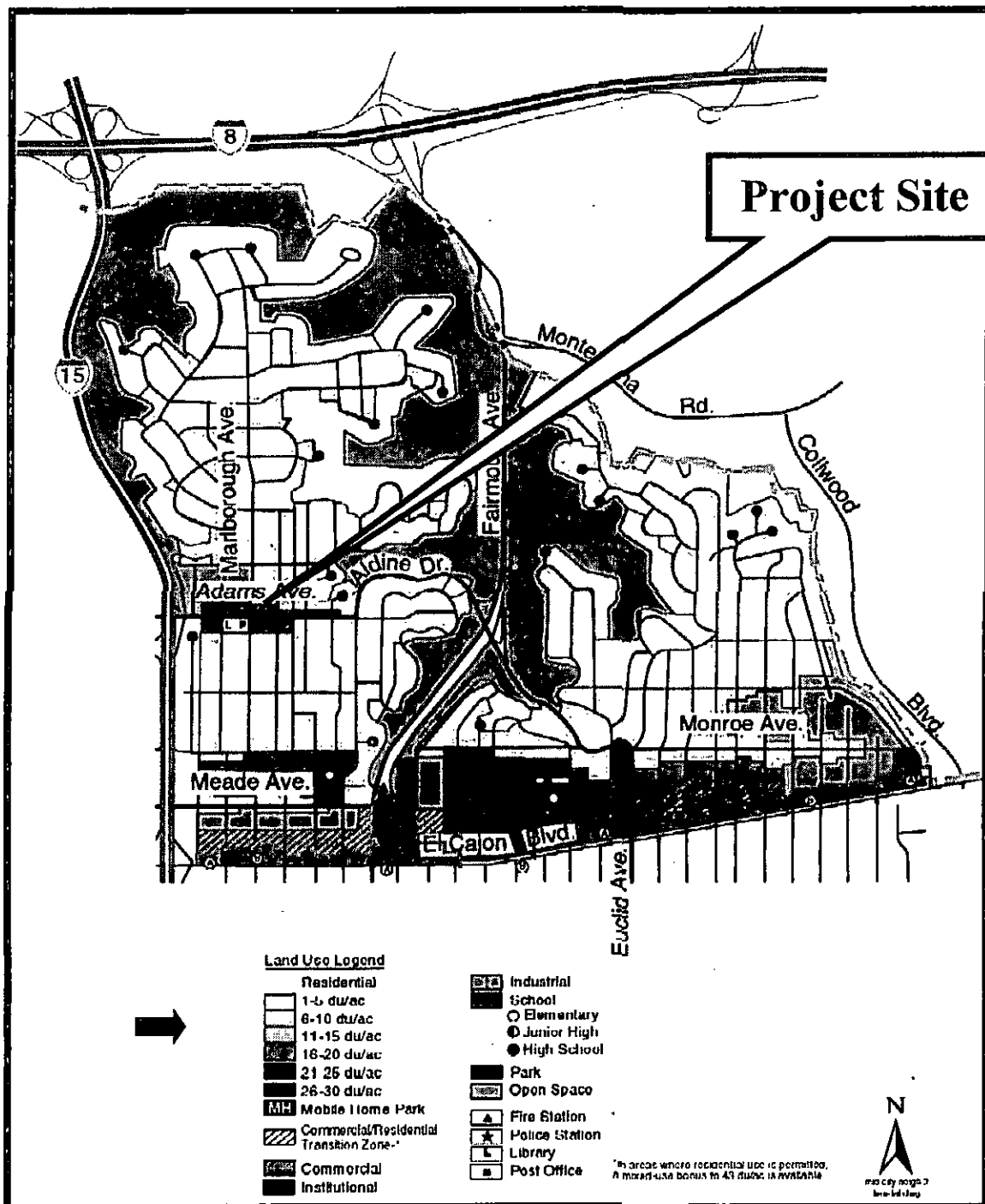


Aerial Photo

4711 BIONA DRIVE TENTATIVE MAP - 4711 BIONA DRIVE

PROJECT NO. 78145

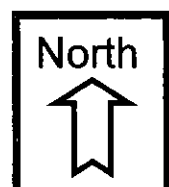


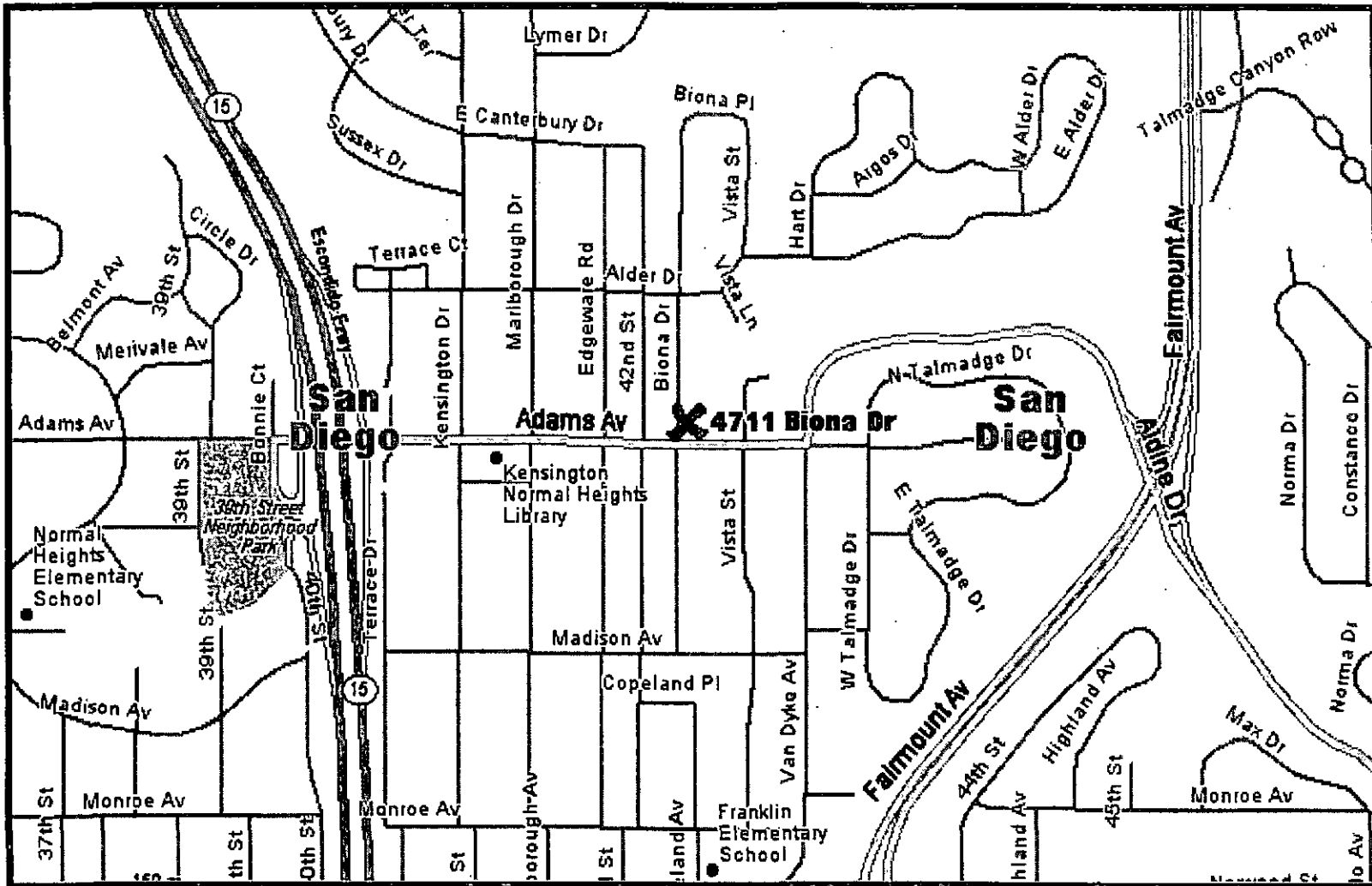


Community Plan Land Use Map

4711 BIONA DRIVE TENTATIVE MAP – 4711 BIONA DRIVE

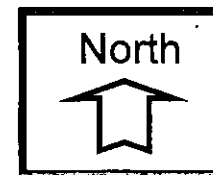
PROJECT NO. 78145 – Kensington - Talmadge





Project Location Map

4711 BIONA DRIVE TENTATIVE MAP - 4711 BIONA DRIVE
PROJECT NO. 78145

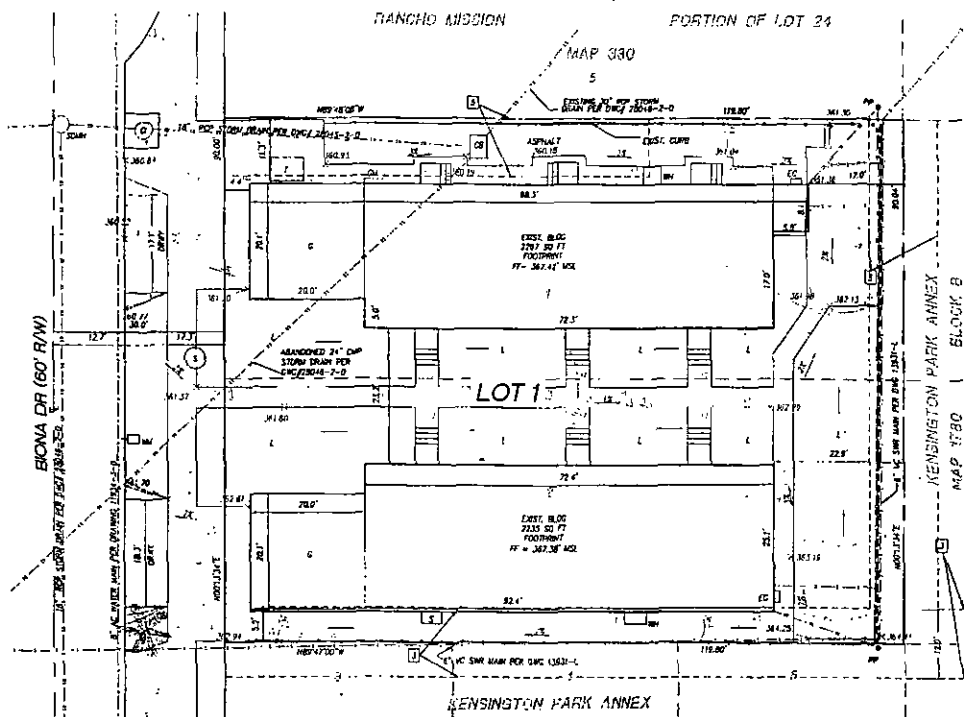
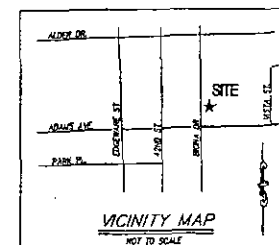


PROJECT DATA SHEET		
PROJECT NAME:	4711 BIONA DRIVE TENTATIVE MAP	
PROJECT DESCRIPTION:	Conversion of 6 existing units into condominiums.	
COMMUNITY PLAN:	Kensington-Talmadge neighborhood of the Mid-City Communities Plan Area	
DISCRETIONARY ACTIONS:	Tentative Map	
COMMUNITY PLAN LAND USE DESIGNATION:	Multi-family Residential	
CURRENT ZONING INFORMATION: ZONE: RS-1-7: A single-family residential zone DENSITY: 1 dwelling unit per lot area HEIGHT LIMIT: 30' LOT SIZE: 5,000 square-foot minimum lot size. FLOOR AREA RATIO: varies FRONT SETBACK: 15 feet SIDE SETBACK: 4 feet STREETSIDE SETBACK: 10 feet. REAR SETBACK: 13 PARKING: 9 spaces required		CONSTRUCTED R-1 6 units Two-story 10,784 square feet Not available 4.4 feet 11 feet/5 feet N/A 22.9 feet 4 spaces
ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	RS-1-7, Single-family Residential	Single-family Residential
SOUTH:	CN-1-3, Commercial	Commercial
EAST:	RS-1-7, Single-family Residential	Single-family Residential
WEST:	RS-1-7, Single-family Residential	Multi-family Residential
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	The applicant has indicated that they received approval from the Kensington-Talmadge Community Planning Group on December 14, 2005 however the Planning Group has no record of this approval. The applicant has elected to proceed without a formal Planning Group recommendation.	

TENTATIVE MAP NO. 242521

4711-4721 BIONA DRIVE
CITY PROJECT NO. 78145

000527



ABBREVIATIONS	
ED	EAST DRAIN
CL	CLUMP RAIL
EC	ELECTRICAL CABLE
GA	GAS
LA	LANDSCAPE
P	PAVING
T	TERRACE
SD	STORM DRAIN
TR	TRASH BIN
WT	WATER HEATER ENCLOSURE
W	WATER METER

LEGEND	
PROPERTY LINE / TOWN BOUNDARY	---
EXISTING LOT LINES	---
EXISTING EASEMENT	---
EXISTING WATER METER	---
EXISTING WATER LINE	---
EXISTING POWER POLE	---
EXISTING OVERHEAD POWER LINES	---
EXISTING WOOD FENCE	---
EXISTING RETAINING WALL	---
EXISTING CONCRETE	---
SPOT ELEVATION	---
DIRECTION OF DRAINAGE	---
SEWER CLEAN OUT	---

GENERAL NOTES

1. ZONING IS PD-1-7. THERE ARE NO EXISTING ZONES.
2. TOTAL LOT AREA: 10.784 AC. TOTAL FLOOR FOOTPRINT: 4,500 S.F.
3. TOTAL NUMBER OF EXISTING LOTS = 2. TOTAL NUMBER OF PROPOSED LOTS = 1. THIS SUBDIVISION IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 15000 ET. SEQ. OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE TOTAL NUMBER OF CONDOMINIUM DOWLING UNITS IS 8.
4. LOT SUMMARY:

LOT NO.	AREA	UNIT	PAVING
1	10.784 AC.	8	ASPHALT

STRUCTURE DEDICATED IN 1950
 6 ONE BDRM/ONE BA (600 SQ. FT. EA.)

PARKING:
 4 SPACES: 3-2 CAR GARAGE
 PER MUNICIPAL CODE TABLE 140-100C
 MINIMUM TYPE OF UNIT: 1.5
 TO THE NEIGHBOR: 9

TOTAL REQUIRED SPACES: 9
 TOTAL EXISTING SPACES: 4
5. EASEMENTS:
 WATER: CITY OF SAN DIEGO
 SEWER: CITY OF SAN DIEGO
 GAS: 8 EXISTING 8" D.C. GAS
 FIRE AND POLICE PROTECTION: CITY OF SAN DIEGO
 CABLE: CABLE COMMUNICATIONS
 SCHOOLS: SAN DIEGO UNIFIED SCHOOL DISTRICT
 LANDSCAPE AND UTILITIES SHOWN HEREON ARE FROM AVAILABLE RECORDS.
6. GRADING:
 A. THERE IS NO GRADING AS PART OF THIS TENTATIVE MAP.
7. TERRACE:
 A. ALL GRADING FROM LOT IS DIRECTED TO STREET.
 B. ALL EXISTING DISTANCES, LOT DIMENSIONS, AND CURVE DATA ARE APPROXIMATE.
8. COPIRIGHT PROVIDED BY STERLING LAND SERVICES FIELD SURVEY ON MAY 23, 2003.

APN

APN: 165-343-01

LEGAL DESCRIPTION

LOTS 1 AND 2, BLOCK "B" OF KENSINGTON PARK ANNEX, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF, MAP 1780, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 13, 1924.

BENCHMARK

THE VERTICAL BENCHMARK FOR THE SITE IS A BRASS PLUG IN THE NORTH EAST CORNER AT THE INTERSECTION OF ALGER DRIVE AND BIONA DRIVE, BEING SAN DIEGO CITY VERTICAL CONTROL BENCHMARK 12013 ELEVATION: 363.482 MSL.

BASE OF BEARINGS

THE BASE OF BEARINGS FOR THE PROJECT IS THE SOUTH SIDE OF ALGER DRIVE 6' OFFSET. RDS 1109 AS 1804700" W.

SUBDIVIDER RESPONSIBILITIES

1. INSTALL APPROPRIATE PRIVATE BACK FLOW PREVENTION DEVICES ON ALL EXISTING AND PROPOSED WATER SERVICES (DOMESTIC, IRRIGATION, AND FIRE) ADJACENT TO THE PROJECT SITE IN A MANNER SATISFACTORY TO THE WATER DEPARTMENT DIRECTOR.
2. PROVIDE A LETTER ADDRESSING TO PREPARE COAST'S FOR THE OPERATION AND MAINTENANCE OF ALL PRIVATE WATER AND SEWER FACILITIES THAT SERVE OR TRAVEL MORE THAN A SINGLE CONDOMINIUM UNIT OR LOT.
3. OBTAIN AN ENCROACHMENT MAINTENANCE AGREEMENT FROM THE CITY ENGINEER FOR THE EXISTING BUILDING AND STEPS IN THE PUBLIC STORM DRAIN AND UTILITIES EASEMENTS.
4. COMPLY WITH ALL CURRENT STREET LIGHTING STANDARDS ACCORDING TO THE CITY OF SAN DIEGO STREET DESIGN MANUAL, SATISFACTORY TO THE CITY ENGINEER. POSSIBLY REQUIRING INSTALLATION OF NEW STREET LIGHTS AND/OR UPGRADING LIGHTS AND FIXTURES.

EASEMENT NOTES

- EASEMENTS ARE PER PRELIMINARY TITLE REPORT PREPARED BY CHRYSLER TITLE COMPANY FILE NO. 530533 DATED APRIL 16, 2004. THE CITY AGENDAS USED HEREON ARE AS LISTED ON SAID REPORT.
- (1) EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES PER MAP 1780 RECORDED FEBRUARY 13, 1924.
 - (2) EASEMENT FOR THE CITY OF SAN DIEGO A MUNICIPAL CORPORATION FOR PURPOSE OF STORM DRAIN RECORDED AS DOCUMENT NO. 1998-0703376, ON OCTOBER 26, 1998.

PROJECT ADDRESS

4711-4721 BIONA DRIVE
 SAN DIEGO, CA 92108
 T.B. MAP PAGE: 1269-43

SURVEYOR/MAPPER

STERLING LAND SERVICES, INC.
 2667 FIRST AVENUE
 SAN DIEGO, CA 92103
 PHONE: 619-546-1165

S.D. CITY PROJECT NUMBERS

TENTATIVE MAP NO. 242521
 CITY PROJECT NO. 78145
 CITY WORK ORDER NO. 42-485

REQUIRED PERMITS/APPROVALS

-TENTATIVE MAP

MAPPING AND MONUMENTATION

ALL PROPERTY CORNERS WILL BE SET AND A THE LOT SUBDIVISION MAP WILL BE FILED UPON APPROVAL OF THE TENTATIVE MAP. A DETAILED PROCEDURE OF SURVEY WILL BE SHOWN ON THE FINAL MAP.

OWNER'S

U.S. BROWN FAMILY TRUST
 MATTHEW S. BROWER, TRUSTEE
 645 CARNEY AVENUE, STE. B
 SAN DIEGO, CA 92108

SIGNATURE: *Matthew S. Brower*
 PRINT NAME: Matthew S. Brower
 TITLE: Trustee
 DATE: 6/17/08

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE ON JUNE 10, 2005.

Matthew S. Brower
 10 SCOTT PETERS L.S. 7780 DATE
 BY REGISTRATION EXPIRES 11/30/08

TENTATIVE MAP FOR: 4711-4721 BIONA DRIVE CONDOMINIUMS

Revision 1: 3/29/08 Original Date: 6/20/05
 Revision 2: 3/27/08 Sheet: 1 of 1
 Revision 3: 3/27/08
 Revision 4: 6/17/08
 P/S 78145 T.M. 242521 P.D. 42-485 L.C. 718-1737 C.S. 11 1854-8797

Local Surveying
 and Engineering
 Land Development
STERLING
 300 Markon Drive, Suite 4025 San Diego, CA 92108
 619-546-1165

Final location of all plant materials shall be subject to the approval of the approval of the contractor's authorized representative.

If conflicts arise between size of areas and plants, contractor to consult owner's representative for assistance. If necessary, owner's representative to select the plants and owner's authorized representative will stress in contractor's inability to relocate the materials.

It is the landscape contractor's responsibility to furnish plant, materials, trees, shrubs, or other plant material and/or equipment that will be installed by the contractor. All plant material must be certified paid and disease free.

Landscape contractor shall be responsible for matching finished terrain with all original and proposed landscape design. All landscape material must be installed within 10 days/ responsibility for any cost incurred due to damage of field utilities.

Landscape contractor shall not willfully proceed with construction as designed when it is obvious that unforeseen conditions exist that may affect the landscape design. All such conditions shall be immediately brought to the attention of the owner's authorized representative. The contractor shall assume full responsibility for all necessary revisions due to failure to give such notification.

Landscape contractor shall be responsible for any construction with subcontractors required to accomplish planting operations.

Landscape contractor shall comply with material quantities per plan.

Plant symbols shall indicate plant location and size.

Landscape operations shall conform to applicable codes in this City of San Diego Landscape Standards.

Landscape contractor shall have a soil analysis performed and shall provide the recommendations for irrigation and fertilization per the results of the soil analysis.

All required planting areas shall be covered with mulch to a minimum depth of 2", excluding slopes requiring re-vegetation and areas planted with groundcover. All soil exposed by erosion or excavation shall be covered with mulch to the minimum depth.

Maintenance: All required landscape areas shall be maintained by Private Homeowners' Association. The landscape areas shall be maintained free of debris and all dead and/or diseased plant material shall be removed. The contractor shall be responsible for the removal of all dead and/or diseased plant material. The contractor shall be responsible for the removal of all dead and/or diseased plant material that will be satisfactorily treated or replaced per the conditions of the plan.

The root barriers shall be installed where trees are placed within 5' of public improvements including sidewalks, curbs or street improvements or where new public improvements are placed adjacent to existing trees. The root barriers will not be whipped around the root butt. SDG&D 142-00003(12)

Whipped sections may be used, but shall be called where new tree plantings are installed. See SDG&D 142-00003(1)

TREES

SYMBOL	CATEGORY/DESCRIPTION	QTY	PRICE
K	Existing Archontophoenix cunninghamiana / King Palm	02	4200
	Existing Syagrus monticola / Queen Palm	01	1050
P	Existing Phoenix canariensis / Canary Island Palm	01	2700
	Existing Legnastromia indica / Crepe Myrtle	01	2' cal
+	Legnastromia indica / Crepe Myrtle (Standard)	03	2400

SHRUBS & GROUNDCOVERS
SYMBOL CATEGORY DESCRIPTION






	Existing Apparatus Varies / Lty of the Nls	04	<24%
	Existing Phormium tetras / New Zealand Flax	11	<24%
	Existing Streptocarpus / Bird of Paradise	12	<24%
	Existing perennial plantings to remain		
	2" layer wood-bark mulch groundcover		

Table 1-41-04X
Minimum Tree Separation Distance

Indicators (kg/ha)	Indicators (kilograms in Export Tons)
Yield, export, low type	26 ton
Imported grain (kg/ha)	1 ton
Almond, lowland, lowland, 2000/2001	26 ton
Yield, export, low type	26 ton
Yield, export, low type	26 ton

NOTE: Irrigation: An automatic, electrically controlled, spray irrigation system shall be provided as required for proper irrigation, development, and maintenance of the vegetation in a healthy, disease resistant condition. The design of the system shall provide adequate support for the vegetation selected.

NOTE: It's to the owner's best interest to maintain existing plantings in the interior courtyard and provide any additional plantings for setting purposes and for the future Homeowner's Association.

... Declaration of Responsible Charge:

I hereby declare that I am the Landscape Architect for this project, that I have exercised responsible charge over the design of the project as defined in Section 8703 of the Business and Professions Code, and that the design is consistent with current standards, understand that the check on project drawings and specifications by the City of San Diego is confined to a review only and does not relieve me, as Landscape Architect of Work, of my responsibilities for the project design.

Karl A. Wilson/RLA 3009
 My License Expires 04/30/09
 Landscape Resource Group
 3780 Hancock Street, Suite C
 San Diego, CA 92119
 (619) 487-0550

LANDSCAPE DEVELOPMENT PLAN

↑
NORTH

REVISIONS BY

▲ B-15-02

Landscape Architecture / Construction
3778 Research Element, Suite D
San Diego, CA 92116
760.440.2000, Fx. 714.440.2001
Landscape 1999, Landscape 1774/7

PROJECT ADDRESS: 4711-4731 Bluma Drive
San Diego, CA 92109

DANNER, M. S. Browns Family Trust
Mauihys Breeze, Trustee
2207 Garnet Ave., S.L.J.
San Diego, CA 92109
619-270-5500 ext. 14

Date: _____

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Comments

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of Sweden

ATTACHMENT 5

City of San Diego
Development Services
1325 First Ave., 4th Fl.
San Diego, CA 92101-4134
(619) 443-3300

Landscape Calculations Worksheet
Single Dwelling Unit Development in RM Zones
Multiple Dwelling Unit Development in AD Zones

Provide the following information on the Landscape Plans. The Landscape Calculations Worksheet summarizes the planting area and points required for the Landscape Architecture, Chapter 14, Article 2, Division 1 of the Land Development Code.

STREET YARD

• A minimum 48 sq. ft. planting area shall be provided for all lots, with no minimum area for lots 5 ft. or less in width of the required planting area, and no minimum width.

Planting Area Required (7.4.2.1.1)	Planting Area Provided	Excess Area Provided
Total Area: 405 sq. ft. x 80% = 324	153 sq. ft.	0 sq. ft.

Planting Points Required (7.4.2.1.2)	Plant Points Provided	Excess Points Provided
Total Area: 405 sq. ft. x 1.0 = 405 points	72 points	52 points

Points achieved with trees: 74 points

Planting Area Allocation as Indicated by Worksheet and Summary (7.4.2.1.3.1.1)

Planting Area	sq. ft.	sq. ft.	sq. ft.
Total Area	N/A	sq. ft.	sq. ft.

REMAINING YARD - Single structures (see lot)

Plant Points Required	Plant Points Provided	Excess Points Provided
0 points	points	points

Points achieved with trees: 0 points

REMAINING YARD - Multiple structures (see lot)

Number of Buildings: NOT APPLICABLE Number of Trees Provided: 7

These must be installed on each lot and in the rear of each building.

City of San Diego
Development Services
1325 First Ave., 4th Fl.
San Diego, CA 92101-4134
(619) 443-3300

Landscape Calculations Worksheet
Vehicular Use Areas (VUA)

Provide the following information on the Landscape Plans. The Landscape Calculations Worksheet summarizes the planting area and points required for the Landscape Architecture, Chapter 14, Article 2, Division 1 of the Land Development Code.

One tree (minimum 24 inch dbh) is required within 30 ft. of each parking space. If more than one tree is used, one point (maximum 8 ft. dbh tree height) is required within 15 ft. of each parking space.

VEHICULAR USE AREA (VUA) (7.4.2.1.1.1)

Planting Area Required, per lot (see lot) (with no minimum area for lots 5 ft. or less in width of the required planting area, and no minimum width)	Plant Points Required	Excess Points Provided
Total VUA: 167 sq. ft. x 1.0 = 167	40 points	32 points

Points achieved through trees (all trees must): 24 points

LANDSCAPE CALCULATIONS

STREET YARD PLANT POINTS:

QTY	SIZE	PLANT POINTS	TOTAL POINTS
02	4" Trunk Fibre Palm	5 points / 1 Trunk	10
12	Existing shrub <24" dbh	4 points/shrub	48
			58

Note: Due to pre-existing conditions (existing concrete driveways and limited front yard space), the Street Yard planting area is less than the requirements. The excess points achieved with the planting offsets the necessary square footage required. Therefore, we are in compliance per SMC 142.0405(3).

REMAINING YARD PLANTING REQUIREMENTS:

QTY	SIZE	PLANT POINTS	TOTAL POINTS
01	Existing non-native trees	5 points / 1 Trunk	5
03	24" dbh tree	10 points / 1 Trunk	30
07	Total trees		35

Not NOT a pre-existing Remaining Yard condition (4.5' side yard space) along south property all remaining yard tree requirements have been achieved in the north and rear Remaining Yard areas.

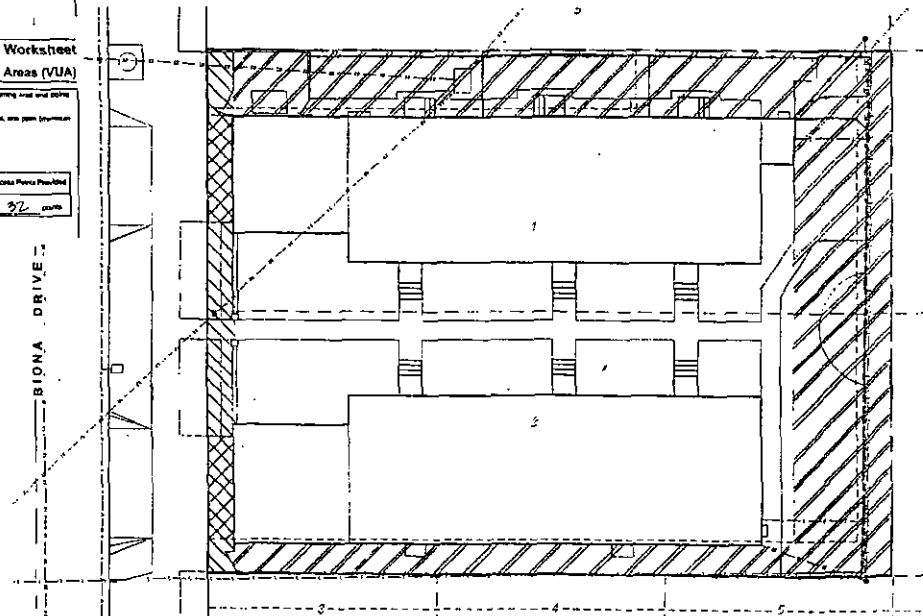
STREET TREE REQUIREMENTS: (1 Tree per 30 feet of Street Frontage)

Street Trees Required	Street Trees Provided	Excess Points Provided
03	03 (Lagerstroemia Indica (Standard))	0

VEHICULAR USE AREA REQUIREMENTS (7.4.2.1.1.1):

QTY	SIZE	PLANT POINTS	TOTAL POINTS
02	4" Trunk Fibre Palm	5 points / 1 Trunk	10
04	Existing shrub <24" dbh	4 points/shrub	16
			26

48 sq. ft. Veh Use Pts
8 Veh Use Pts Req'd
24 Tree Points



LANDSCAPE CALCULATIONS



000529

REVISIONS BY

NO.	DESCRIPTION	BY	DATE
1	B-15-07		

PROJECT ADDRESS
4711-4721 Bion Drive
San Diego, CA 92109

OWNER: M. S. Brown Family Trust
10000 Bion Drive
San Diego, CA 92109
619-594-1100

DATE:
11/14/21

Scale: 1" = 10' - 0"

Drawn:

Job:

Sheet:
L-2

OR **Shaded**

ATTACHMENT 5

000530

PLANNING COMMISSION
RESOLUTION NO.
TENTATIVE MAP NO. 242521
4711 BIONA DRIVE TENTATIVE MAP - PROJECT NO. 78145
DRAFT

WHEREAS, M. S. BROWAR FAMILY TRUST, Applicant/Subdivider, and STERLING LAND SERVICES, SURVEYOR, submitted an application with the City of San Diego for a Tentative Map, No. 242521, for the conversion of six existing residential units to condominiums, including a request to waive the requirement to underground existing overhead utilities. The project site is located on the east side of Biona Drive between Adams Avenue and Alder Drive at 4711 – 4721 Biona Drive, and is legally described as Lots 1 and 2, Block B, Kensington Park Annex, Map No. 1780, in the RS-1-7 Zone, within the Kensington-Talmadge neighborhood of the Mid-City Communities Plan area; and

WHEREAS, the Map proposes the subdivision of a 0.25-acre site into one (1) lot for a six-unit residential condominium conversion; and

WHEREAS, the project is exempt from environmental review pursuant to Article 19, Section 15301(k) of the California Environmental Quality Act (CEQA) on the basis that the facilities are existing; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is six; and

WHEREAS, on September 11, 2008, the Planning Commission of the City of San Diego considered Tentative Map No. 242521, including the waiver of the requirement to underground existing overhead utilities, and pursuant to Sections 125.0440 (tentative map), 125.0444 (condo conversion), and 144.0240 (underground) of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 242521:

1. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).
2. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
3. Each of the tenants of the proposed condominium project has received, pursuant to State Map Act Section 66452.9, written notification of intention to convert at least 60 days prior to the filing of a tentative map (Land Development Code 125.0444 and State Map Act Section 66427.1(a)).
4. The project has been conditioned that the Subdivider will give each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
5. The project has been conditioned that the Subdivider will give each tenant 10 days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, and that such report will be available on request (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
6. The project has been conditioned that the Subdivider will give each tenant of the proposed condominium project written notification within 10 days of approval of a final map for the proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(b)). If the subdivider chooses to provide affordable housing units, the subdivider shall enter into an affordable housing agreement with the Housing Commission, prior to recordation of the Final Map.
7. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(c)).
8. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, which notice shall be provided within 5 working days of the issuance

- of the Subdivision Public Report.. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right (Land Development Code Section 125.0444 and State Map Act Section 66427.1(d)).
9. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (Land Development Code Section 125.0444.b).
 10. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed (Land Development Code Section 125.0444.c).
 11. Each of the tenants of the proposed condominium project has received written notification of the project application for the condominium conversion within 10 days after the application was deemed complete (Land Development Code 125.0431(a)(3)).
 12. The project has been conditioned that the subdivider will give each person applying for the rental of a unit in such residential real property written notification that the project application for the condominium conversion was deemed complete (Land Development Code 125.0431(a)(3)).
 13. The project has been conditioned that the subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
 14. A Building Conditions Report has been prepared in accordance with the Land Development Manual by a registered architect or engineer licensed by the State of California (Land Development Code Section 144.0504(b)).
 15. The project has been conditioned that the subdivider will provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account. (Land Development Code Section 144.0504(c)).
 16. The project has been conditioned that the subdivider will provide a relocation assistance payment to all tenants of the project whose tenancy has terminated due to the condominium conversion. (Land Development Code Section 144.0505).
 17. The project has been conditioned for the subdivider to complete the physical improvements as outlined in Land Development Code Section 144.0507, to the satisfaction of the City Engineer prior to final map approval.

18. The project has been conditioned for the subdivider to satisfy the inclusionary housing requirements in accordance with Land Development Code Section 142.1306. (Land Development Code Section 144.0508).
19. The requested underground waiver of the existing overhead facilities, qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that the conversion involves a short span of overhead facility (less than 600 feet in length), it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area, the conversion would represent an isolated undergrounding with a minimum probability of extension in the future, and the conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility.
20. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the Planning Commission, Tentative Map No. 242521, including the waiver of the requirement to underground existing overhead utilities, is hereby granted to M. S. BROWAR FAMILY TRUST, Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Tentative Map will expire September 11, 2011.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the issuance of the Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition
4. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain

independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant

5. The Subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:
 - a. For existing tenants, within 10 days of the project application for the *condominium conversion* being deemed complete; or
 - b. For prospective tenants, upon application for the rental of a unit in the proposed *condominium conversion*.
6. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act.
7. The Subdivider shall provide the tenants a Notice of Application for a Public Report at least 10 days prior to the submittal to the Department of Real Estate (DRB), pursuant to Section 66427.1(a) of the Subdivision Map Act.
8. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Section 66427.1(c) of the Subdivision Map Act. The provisions of this subdivision shall not alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the Civil Code.
9. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Section 66427.1(d) of the State Map Act. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.

10. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days or approval of a Final Map for the proposed conversion, in conformance with Section 66427.1(b) of the Subdivision Map Act.

AFFORDABLE HOUSING

11. Prior to recordation of the Final Map the Subdivider shall comply with the affordable housing requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) by paying an in-lieu fee of \$4,500 (\$1.25 x 3,600 square feet), satisfactory to the Housing Commission.
12. Prior to the recordation of the Final Map, the Subdivider shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the Development Services Department and the Housing Commission.
13. The Subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
14. The Subdivider will provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account. (Land Development Code Section 144.0504(c)).

ENGINEERING

15. A Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder, prior to the Tentative Map expiration date.
16. The Subdivider shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage..
17. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
18. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has

taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.

19. Prior to the recordation of the Final Map, the Subdivider shall demonstrate conformance with the Municipal Code provisions for building and landscape improvements (Land Development Code Sections 144.0507), to the satisfaction of the City Engineer. The parking requirements in Land Development Code Sections 144.0507 and 142.0525.a do not apply, since this project was deemed complete prior to the effective date of this ordinance (July 27, 2006).
20. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

21. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
22. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
23. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A

combined factor for conversion of grid-to-ground distances shall be shown on the map.

SEWER AND WATER

24. Water and Sewer Requirements:

- a. The Subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.
- b. The Subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.

LANDSCAPE

25. Prior to recordation of the Final Map, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with the Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.
26. Prior to recordation of the Final Map, and after Landscape and Irrigation Construction Documents have been approved by Development Services, the Subdivider shall install all required landscaping consistent with the approved plans and the Land Development Manual, Landscape Standards.
27. Prior to recordation of the Final Map, it shall be the responsibility of the Permittee/Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
28. The Landscape Construction Plan shall take into account a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.
29. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

000538

30. The Permittee or subsequent owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.
31. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Certificate of Occupancy or a Final Landscape Inspection.

INFORMATION:

- The approval of this Tentative Map by the Planning Commission of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.

000539

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF
SAN DIEGO, CALIFORNIA, ON SEPTEMBER 11, 2008.

By

Paul Godwin
Development Project Manager
Development Services Department

Job Order No. 42-4885



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

THE CITY OF SAN DIEGO
000540

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit
☐ Variance ☒ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment ☐ Other _____

Project Title

Project No. For City Use Only

4711-4721 Biona Drive

78145

Project Address:

4711-421 Biona Drive

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☒ No

Name of Individual (type or print):

MAT BROWAR (FAMILY TRUST)

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

2207 Garnet Ave #J

City/State/Zip:

San Diego, CA 92109

Phone No:

Fax No:

Signature:

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Name of Individual (type or print):

NANCY BROWAR

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

2207 Garnet Ave #J

City/State/Zip:

San Diego, CA 92109

Phone No:

Fax No:

Signature:

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

DEVELOPMENT SERVICES

Project Chronology

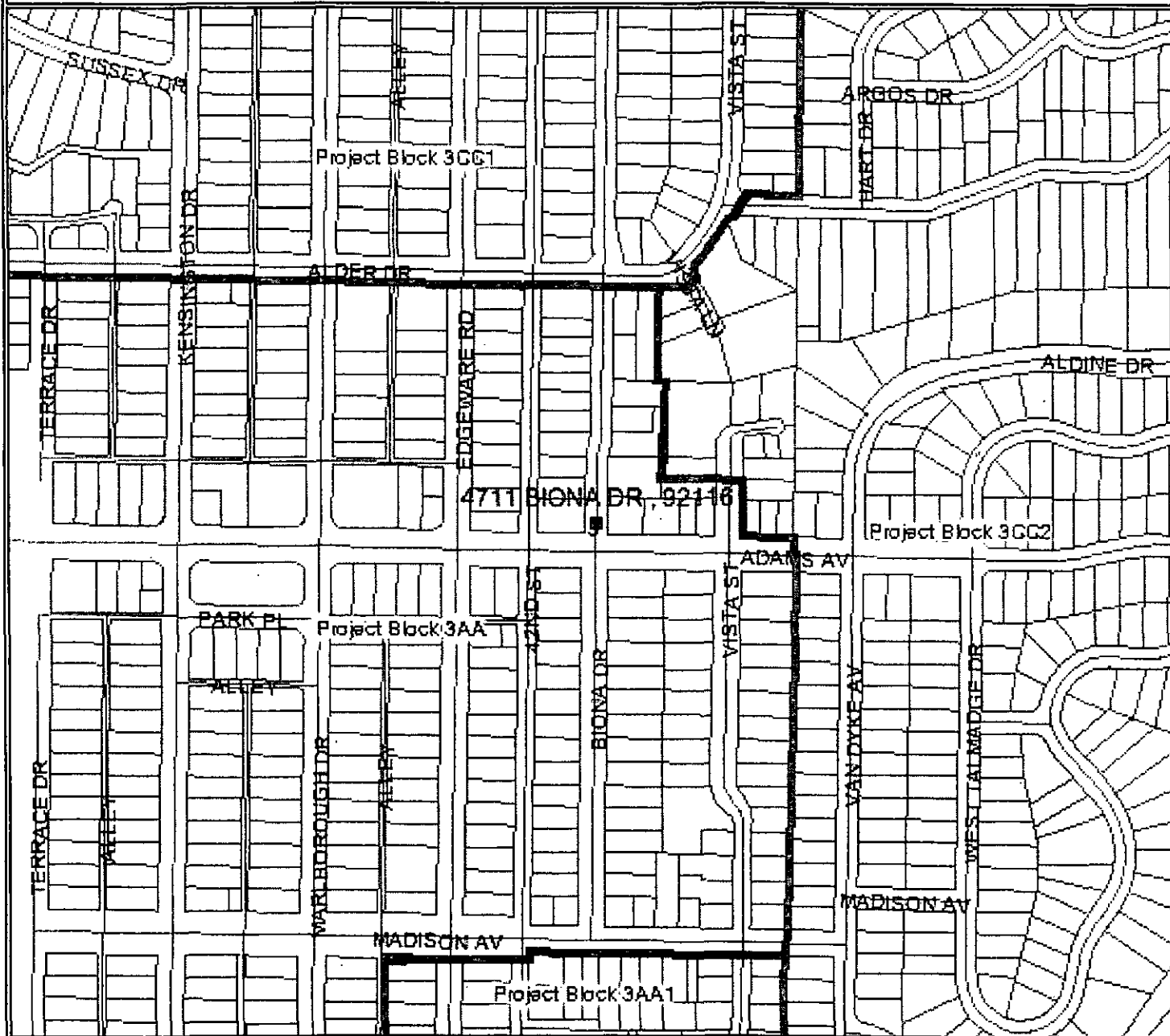
4711 BIONA DRIVE TENTATIVE MAP; PROJECT NO. 78145

	Action	Description	City Review Time	Applicant Response
8/9/05	First Submittal	Project Deemed Complete		
11/2/05	First Assessment Letter	First assessment letter sent to applicant.	85 days	
2/28/06	Second submittal	Applicant's response to first assessment letter		118 days
7/14/06	Second Assessment Letter	Second assessment letter sent to applicant	136 days	
6/26/07	Third submittal	Applicant's response to second assessment letter		314 days
8/3/07	Third Assessment Letter	Third assessment letter sent to applicant	68 days	
9/24/07	Fourth submittal	Applicant's response to third assessment letter		52 days
6/12/08	Issues addressed		261 days	
9/11/08	Public Hearing-Planning Commission	Planning Commission Hearing	91days	
TOTAL STAFF TIME**			641 days	
TOTAL APPLICANT TIME**				484 days
TOTAL PROJECT RUNNING TIME**		From Deemed Complete to PC Hearing	1,125 days	

**Based on 30 days equals to one month.

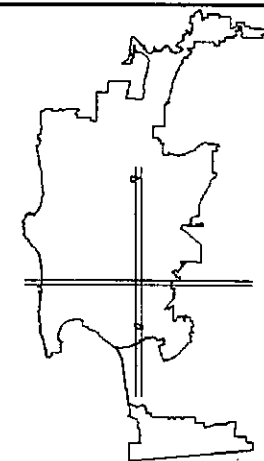
Site Map

000342



Legend

- Future Streetlights
- Undergrounding Projects
- all_20_a
- all_blocks
- Freeways
- Minor Roads
- Parcel Ownership
- Bay
- Streams
- Major
- Minor
- Council Districts
- Ocean
- County



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Scale 1:4,042

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Printed: Aug 22, 2008 9:34:52 AM

Project Block 3Y1	2027	3	unallocated
Project Block 3Y2	2028	3	unallocated
Project Block 3Z	2029	3	unallocated
Project Block 3I1	2030	3	unallocated
Project Block 3I	2031	3	unallocated
Project Block 3AA	2032	3	unallocated
Project Block 3AA1	2033	3	unallocated
Project Block 3I2	2034	3	unallocated
Project Block 3Y3	2035	3	unallocated
Project Block 3X2	2036	3	unallocated
Project Block 3R	2037	3	unallocated
Project Block 3GG	2038	3	unallocated
Project Block 3O	2039	3	unallocated
Project Block 3A	2040	3	unallocated
Project Block 3M	2041	3	unallocated
Project Block 3V	2042	3	unallocated
Project Block 3V1	2043	3	unallocated
Project Block 3M1	2044	3	unallocated
Project Block 3OS	2045	3	unallocated
Project Block 3O1	2045	3	unallocated
Project Block 3P	2046	3	unallocated


Project Site


Utilities Undergrounding Mapping

4711 BIONA DRIVE TENTATIVE MAP – 4711 BIONA DRIVE

PROJECT NO. 78145

North



000544



THE CITY OF SAN DIEGO

City of San Diego
Development Services
Project Management Division
1222 First Ave., MS-301
San Diego, CA 92101
(619) 446-5000

Certification of Tenant Notice for Condominium Conversion Map

Project No.: For City Staff Use

78145

NO TENANTS

I hereby certify that the "NOTICE" required under California Government Code Section 66427.1(a) and Municipal Code Section 125.0431 has been given to each tenant and person applying for the rental of a unit of the proposed condominium conversion project located at: 4711 BROAD (project address).

The "NOTICE" was mailed or delivered on _____ (date).

The NOTICE was mailed or delivered 60-days prior to the filing of a tentative map or map waiver for a condominium conversion. I understand that if it is found that any of this information is incorrect, the project application may be denied by the decision-making body or voided by the courts, and the project may have to be reheard after the required notices have been given.

Owner/Owner Agent Name:

Matt Brower

Signature:

Date:

9/15/05

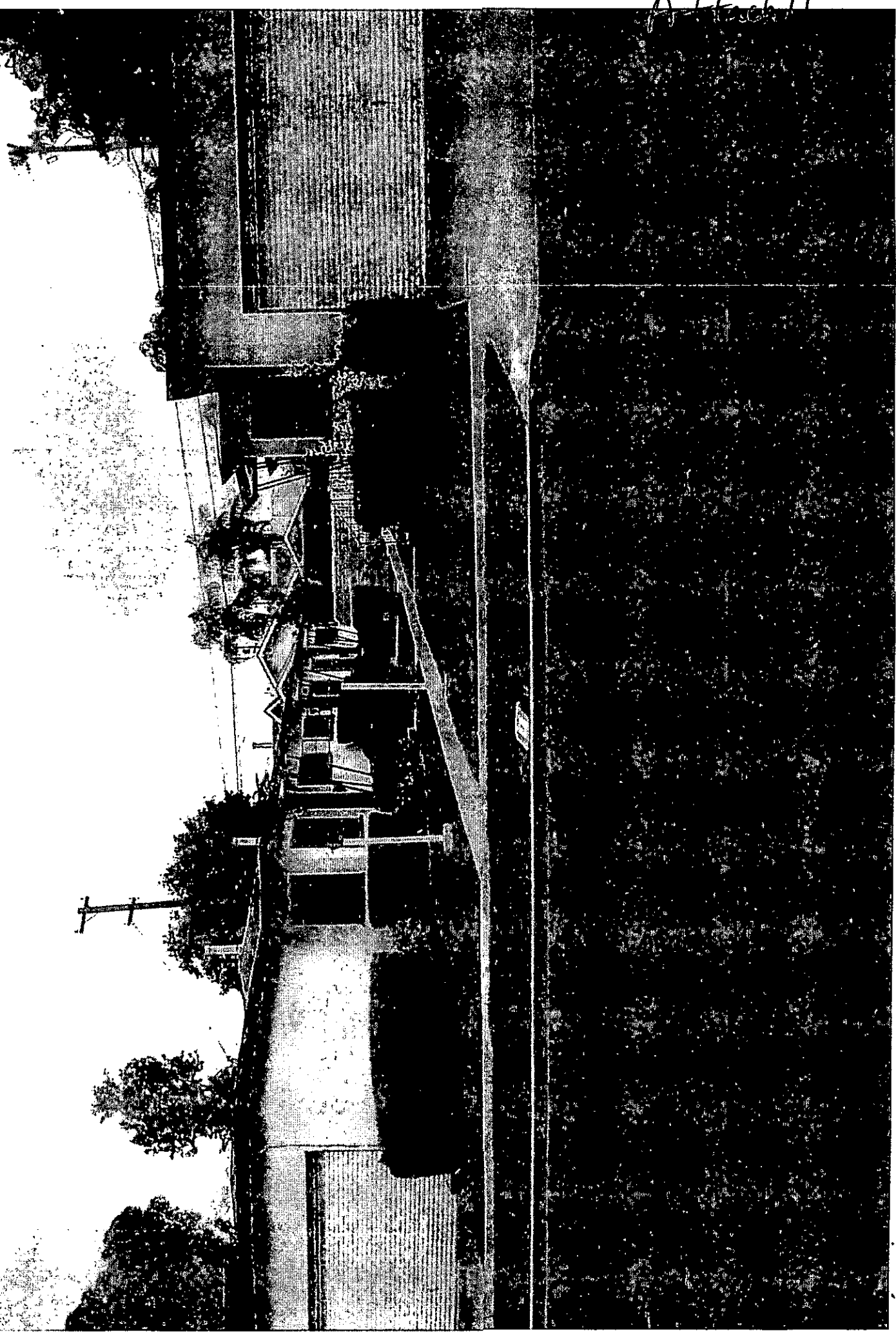
Attachments:

1. List of Names/Addresses of persons receiving notice
2. Copy of 60-day Notice of Intent to Convert to Condominiums

No tenants

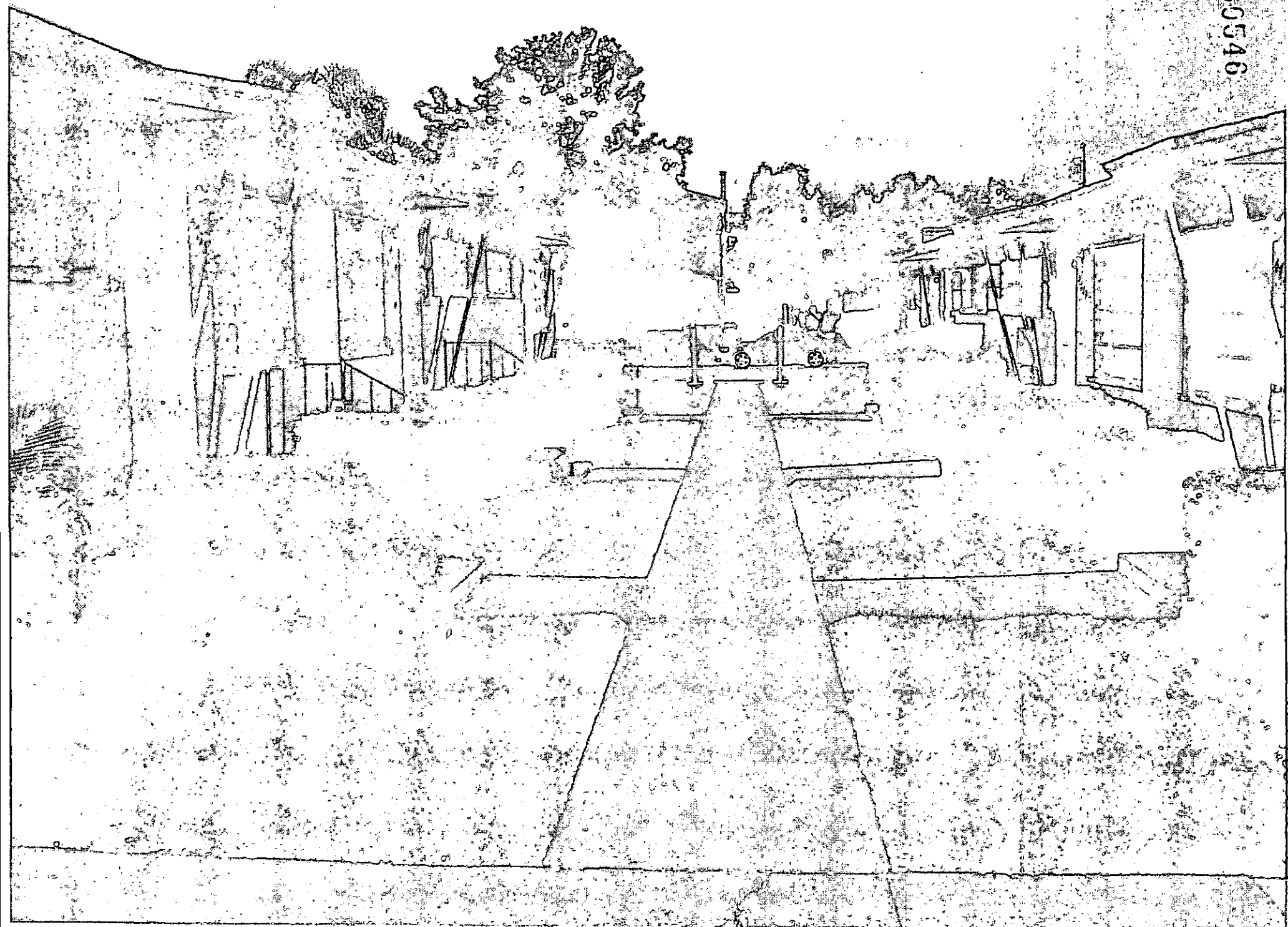
Attach 11

00054



C00546

Attack 11



Appendix "A"

PTS #78145
4711 Biona Drive

This report has been prepared by a California registered architect.

This property consists of 6 units. All 6 units were inspected. For more detail of each unit, please see page 17 in the report.

The inspection was a non-destructive evaluation . If needed, the ceiling and walls will be upgraded to meet the Noise Control requirement. There were no tenant complaints reported at the time of visit.

All items listed below have a remaining life of 5 years or less and will be repaired or replaced.

1. Breakers to code will be installed in all kitchens, bedrooms, baths and exterior locations.
2. Hard-wired battery backup Smoke Detectors will be installed in all bedrooms and living rooms, required by code.
3. Exterior walls need minor stucco repair
4. Windows will be repaired and/or replaced where needed to comply with the emergency egress provisions of the current code.
5. Hot water tank to be strapped to the building for seismic securing.

PARRA BUILDING CONSULTANTS

September 17, 2007

City of San Diego
1222 First Avenue
San Diego, CA 92101-4154


Attn: Larry Lewis - Development Services


Re: Building Conditions Report
4711 Biona
San Diego, CA 92116

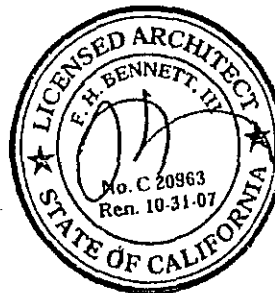
The requested updates of the attached Building Conditions Report can be found within the report as follows:

- Issue #7 – changes can be found in section 2.8.4
- Issue #8 – changes can be found in section 2.4.3
- Issue #9 – changes can be found in section 2.7.1
- Issue #10 – changes can be found in section 2.8.4

Submitted by,


Dennis Parra
CA Lic. #324386


F.H. "Trip" Bennett III
Architect



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PARRA BUILDING CONSULTANTS

BUILDING CONDITIONS REPORT

4711 BIONA

SAN DIEGO, CA 92116

Date Re-Issued: 9/17/2007

3127 KALMIA STREET, SAN DIEGO, CA 92104

Tel: (619) 232-1100 Fax: (619) 281-2221



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Owner: Matthew S. Browar and Nancy A. Browar, Trustees of the M. S. Browar
Family Trust dated February 9, 1988
Attn: Matthew Browar
2207 Garnet Avenue
San Diego, CA 92109

Regarding: Residential units
4711 Biona
San Diego, CA 92116

Legal: Lots 1 and 2, block "B" of Kensington Park Annex, in the City of San
Diego, County of San Diego, State of California, according to the map
thereof No. 1780, filed in the Office of the County Recorder of San Diego
County, February 13, 1924

APN: 465 - 342 - 11

Parra Building Consultants is pleased to provide this Building Conditions Report for the
property at 4711 Biona, San Diego, CA 92116. This assessment was preformed in
general accordance with the City of San Diego's scope of work for Building Conditions
Reports.

We appreciate the opportunity to provide our services. If you have any questions
concerning this report, or if we can assist you in any other matter please contact us.

Sincerely,



Dennis Parra
CA Lic. # 324386

F. H. "Trip" Bennett, III
Architect

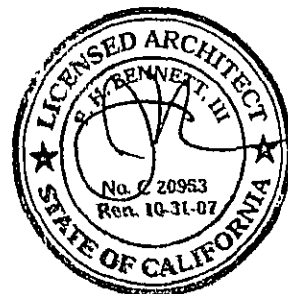


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PROJECT SUMMARY

A property condition assessment was performed by Parra Building Consultants on 10/08/2006 on the property located at 4711 Biona, San Diego, CA 92116 (subject property).

The Subject Property consists of six residential units in two structures and two garage structures situated at the east side of Biona Street, approximately one mile west of Interstate 15 highway. The building is finished with stucco, and has a sloping roof covered with shingles. A concrete pedestrian walkway leads from Biona Street to a center courtyard serving all six of the units.

A. General Description

The six residential units in one building has landscaped courtyard and walkways. The gas meters are located in the private rear/side yard, and the electrical meters are at the garage building.

The subject property is zoned 1 use code. The lot is listed at 10,676 square feet. The current zoning maximum density allowed on this lot is 6.

BUILDINGS	BUILDING AREA (S.F)	# of STORIES	FIRE SPRINKLERS	
			YES	NO
2-single story buildings	1,600 sf ea	1		X
2-single story garage buildings	400 sf ea	1		X

UNIT MIX		
Size	Number of Units	SF Area (SF)
1-bedroom/1-bath	6	530 sq ft each

B. General Physical Condition

The subject property was observed to be fair overall condition. Maintenance of subject property's major systems, components and equipment appears to have taken place over the life of the structure.

C. Conclusions/Recommendations

Deferred maintenance items and physical conditions that are considered minor and require immediate repair, or will need to be replaced within five years, were identified and included in the following: Provide and install hard wire smoke detectors in all bedrooms and outside of bedroom doors, minor exterior stucco wall repair, remove and replace tile and grout at damaged countertops, bathroom and kitchen fixture/appliance replacement of original fixtures, repair or replace original building windows to make operable.

Building Components and Systems with Remaining Life of five years or less

BUILDINGS SYSTEMS	LESS THAN FIVE YEARS REMAINING LIFE	MORE THAN FIVE YEARS REMAINING LIFE
Structural		X
Foundation		X
Roof		X
Electrical		X
Plumbing		X
Sewer		X
Heating		X
Cooling		N/A

The structural elements of the building were observed to be in fair condition. The recommendations in this report should be made in an appropriate time frame; a preventive/remedial maintenance program should be implemented continually; and all site systems and building components should be replaced as necessary with an acceptable standard of care. Other site and building elements are replaceable; however, as the property ages, the maintenance program cost should be expected to increase.

PARRA BUILDING CONSULTANTS makes no comment on the marketability of the site. Any qualifications and limitations in place for the building conditions report as provided by Parra Building Constants is applicable to the summary comments mentioned in this report.

1.0 INTRODUCTION

At the request of M. S. Browar Family Trust, a building conditions assessment was performed by Parra Building Consultants at the property location of 4711 Biona Street in San Diego, CA (Subject Property). This assessment was performed in accordance with the Client's scope of work for Property Condition Assessments. This report was

prepared by Parra Building Consultants for the review of the City of San Diego Development Services.

1.1 Purpose

The purpose of this Building Conditions Report was to observe and document readily visible materials and building systems, which might significantly affect the value of the property, and determine if conditions exist which may have a significant impact on the continued operation of the facility during the evaluation period.

1.2 Reliance

All reports, both verbal and written, are for the benefit of the current owner and the City of San Diego Development Services. This report has no other purpose and may not be relied upon by any other person or entity without the written consent of Parra Building Consultants.

1.3 Scope and Exceptions

This Report is based on a site visit, in which agents of Parra Building Consultants performed a visual, non-intrusive and non-destructive evaluation of various external and internal building components. All of the accessible buildings components were observed and physical conditions evaluated in general accordance with ASTM E2018-01. These systems include site development, building structure, building exterior and interior areas; mechanical, electrical, and plumbing systems, conveyance systems, life safety/fire protection, and general ADA compliance. Photographs were taken to provide a record of general conditions of the facility, as well as building code, safety, regulatory or environmental compliance inspection.

During the site visit we observed the interior spaces to determine their general character and condition, site personnel and/or property managers to add or confirm the general character of the construction.

If any additional information is encountered concerning the facility, it should be forward to Parra Building Consultants for possible re-evaluation of the assumptions, conclusions and recommendations presented herein. The recommendations provided herein are for observed conditions based on the understanding that the facility will continue operating in its present occupancy classification.

This Report is based on the evaluator's judgment on the physical condition of the components and their known ages. The conclusions presented are based upon the evaluator's professional judgment. The actual performance of individual components may vary from a reasonable expected standard and may be affected by circumstances that occur after the date of the evaluation.

The Report does not identify minor, inexpensive repairs or maintenance items, which are clearly part of the property owner's current operating budget as long as these items appear to be addressed on a regular basis. The report does identify infrequently

occurring maintenance items of significant cost, such as exterior painting, deferred maintenance and repairs and replacements that normally involve major expense or outside contracting.

The following terms are used throughout the report and are defined as follows:

Excellent: New or Like New

Good: Average to above-average condition for the building system or material assessed, *with consideration of its age, design, and geographical location*. Generally, other than normal maintenance, no work is recommended or required.

Fair: Average condition for the building system evaluated. Satisfactory, however some short term and/or immediate attention is required or recommended, primarily due to normal aging and wear of the building system, to return the system to good condition.

Poor: Below average condition for the building system evaluated. Requires immediate repair, significant work or replacement anticipated to return the building system or material to an acceptable condition.

Unless stated otherwise in this report, the systems reviewed are considered to be in fair condition and their performance appears to be satisfactory.

1.4 Document Review and Interviews

Parra Building Consultants were provided with the following documents for review:

- None

The following people or organizations were interviewed by an agent of Parra Building Consultants during the site visit or report preparation:

- Building manager/owner representative.

2.0 SYSTEM DESCRIPTION AND OBSERVATION

2.1 Overall General Description

This assessment observation was conducted on October 11, 2006 at 4711 Biona Street, San Diego, California. The subject property consists of a rectangular shaped parcel of land situated at the east side of Biona Street, approximately one mile from Highway 163 and two miles south of Interstate 8 highway. The property has two one-story single-family buildings, totaling approximately 2,880 square feet. In addition the property has concrete pedestrian walks, a landscape/hardscape side yard and a concrete driveway apron to individual garages.

The buildings are conventional wood framed structures constructed on concrete raised foundations with post and pier supports. The conventional roof framing is covered with composition shingles. The exterior walls of the buildings are finished with stucco and wood trim.

According to title information, the buildings were constructed in 1960's.

The subject property provides two existing closed parking garages, and no visibly designated ADA accessible parking spaces.

Typical interior finishes include painted plastered walls and ceilings. The kitchens have painted wood mill cabinets with ceramic tile countertops and back splashes, standard throughout. The floors are covered with hardwood flooring except for the kitchens and bathrooms, which have either ceramic tile or linoleum. The units do not have air conditioning provided.

2.2 Site Visit

A professional associate of Parra Building Consultants performed the site visit portion of this property condition assessment on 10/13/2006. The following summarizes the building systems evaluated:

- Site Development
- Building Structure
- Building Exterior
- Building Interior
- Mechanical System
- Electrical System
- Plumbing Systems
- Conveyance System
- Life Safety/Fire Protection
- ADA Compliance

2.3 Site/Site Improvements

2.3.1 Topography

Description:

Site topography is generally flat.

Observations/Comments:

Site topography is in fair overall condition. If concrete flat work areas near buildings are replaced they should be sloped away from buildings for increased site drainage protection.

2.3.2 Storm Water Drainage

Description:

Storm water from the subject property drains into landscape/hardscape areas.

Observations/Comments:

Drainage appears adequate, although there is evidence of minor puddling.

Recommend gutter system to control roof runoff.

2.3.3 Paving Type/Age

Description:

Older concrete sidewalks and walkways to the various buildings.

Observations/Comments:

Concrete walkways to the various buildings have been replaced since original construction.

2.3.4 Curbs

Description:

Curbing is provided along adjacent sidewalk/public streets, and is constructed of older cast-in-place concrete approximately three inches high.

Observations/Comments:

City curbing appears to be in fair condition with some ponding at street edge.

2.3.5 Pavement Striping

Description:

None observed

Observations/Comments:

None.

2.3.6 Flatwork/Stairs/Railing

Description:

The pedestrian walkways and courtyard consist of cast-in-place concrete.

Observations/Comments:

Center courtyard paving appeared to be in fair condition with some cracking noted. Recommend repair/replacement of up-lifted concrete as well as routine maintenance, including crack sealing for the remaining life of the building.

2.3.7 Landscaping and Appurtenances

Description:

The front of the property and courtyards are neatly landscaped with a front lawn and planters containing small trees and shrubbery along the building face and in the center courtyard. Five foot high wood fencing exists along the north, south and rear property lines between the neighboring properties. The front of the property has a stucco wall.

Observations/Comments:

Landscaping is in good overall condition. Grass lawn in front yard is in good condition. Routine maintenance/replacements should be anticipated for the remaining life of the property. The fencing along north and south yard is weathered but in overall good condition and is due for a new paint application.

2.3.8 Utilities

Description:

The necessary utilities are installed and available at the site and appear adequate for current property needs. The City of San Diego provides domestic water to the property with one meter. San Diego Gas and Electric provides gas and electrical services to the site. The property contains seven electric meters, six gas meters and a main water meter. AT&T provides telephone service to the Subject Property.

UTILITY	PROVIDER	ISSUE/ADEQUACY
Electric	San Diego Gas & Electric	Circuit boxes at exterior wall. Minimal supply to units.
Sewer	City of San Diego	Adequate
Water	City of San Diego	Meter was not located
Gas	San Diego Gas and Electric	Adequate: To be Inspected by SDG&E.
Telephone	AT&T	Adequate.

2.3.9 Site Lighting

Description:

Site lighting consists of wall mounted fixtures at entrance to each unit, at rear side of garage doors and along the center courtyard in the landscaping.

Observation/Comments:

The fixtures and lighting appear to be in good condition overall. Recommend routine maintenance/replacements, which is anticipated for the remaining life of the building.

2.3.10 Waste Storage Area

Description:

Waste containers are stored in the private yards of each unit. Trash collection occurs at the front street.

Observations/Comments:
None

2.3.11 Site and Building Signage

Description:
The individual units contain wall mounted apartment unit identification.

Observations/Comments:
Apartment identification was observed to be readable and in good overall condition.

2.3.12 Retaining Walls

Description:
None.

Observations/Comments:
None.

2.3.13 Other Site Amenities/Recreational Facilities

Description:
The property has laundry facilities attached to the rear of the north building.

Observations/Comments:
The facilities were in newer and good condition.

2.4 Structural Frame and Building Envelope

2.4.1 Substructure

Description:
Parra Building Consultants was not provided with an architectural/structural for review. Also the foundation and floor framing and stem wall construction was not accessible for observation.

Observations/Comments:
Floors of the units were consistently even.

2.4.2 Superstructure

Description:
Parra Building Consultants was not provided with any architectural/structural drawings for review. Therefore, based on our limited site assessment, the structural components of the building construction was not accessible for observation.

Observations/Comments:

Visible elements in fair condition, only minor cracking in ceiling finishes was observed.

2.4.3 Facades

Exterior Walls

Description:

Exterior surface of the structure are finished with stucco and wood trim.

Observations/Comments:

The exterior finishes were observed to be in good condition. Exterior trim is moderately weathered and damaged in some areas. Exterior painting appeared to be in good overall condition. Recommend repair or replacement of aging elements and periodic repainting and maintenance for the remaining life of the buildings.

Windows

Description:

Exterior windows consist of wood framed and steel casement, single glazed glass, windows.

Observations/Comments:

The wood windows were observed to be in good condition. Replacement of the wood windows will also improve the building envelope's energy efficiency. Recommend repair and periodic repainting and maintenance for remaining life of building. Upgrades will be made as needed to comply with the emergency egress provisions of the current California Building code.

Doors/Frames

Description:

Unit entry doors/frames are wood construction. Door entry hardware typically is knobbed-keyed lock and cylinder deadbolts.

Observations/Comments:

Exterior doors are in fair condition, exhibiting moderate wear and tear. We recommend repairing or installing new weather-stripping and an application of new painted finish. Routine maintenance should be anticipated for the remaining life of the doors.

2.4.4 Roofing

Roof Type

Description:

The roofs are sloping and covered with laminated shingles. The garage structures have low slope roofs.

Observations/Comments:

The sloping shingle roofs over the living area were observed to be in good condition. Could not verify if membrane under shingles of the lower sloped roofs of the garage have a membrane.

Active Leaks

Description:

The buildings did not have visible active leaks.

Observations/Comments:

None

Roof Drainage

Description:

The roof drains over the edge and onto the landscape.

Observations/Comments:

It is recommended that gutters be installed at the perimeter of the roof to provide roof water runoff control.

Warranty

Description:

Not applicable

Observation/Comments:

None.

2.4.5 Stairs

Description:

The entry to the units are concrete steps.

Observation/Comments:

The raiser for each step is less than 8". No repair recommended.

2.4.6 Balconies/Patios/Elevated Walkways

Description:

None

Observations/Comments:

None

2.5 Mechanical, Electrical & Plumbing

2.5.1 HVAC Systems

Description:

The residential units have wall mounted gas heaters in the living rooms, but operation could not be confirmed.

Observations/Comments:

It is recommended that SDG&E or a mechanical contractor check each unit for condition of heat exchange, and complete servicing.

2.5.2 Electrical Systems

Description:

San Diego Gas and Electric provide electrical service. The main distribution panel is rated at 100 amp to house meter, and provides transformed 240/120 volt, single phase, three wire service to each residential unit. Each unit is separately metered with a sub panel located at the exterior wall of the building. AT&T provide telephone trunk lines.

Observations/Comments:

The main electrical system has not been upgraded. Older sub panels functioned, but would need replacing in the future. No main disconnect to units. Code compliant GFCI outlets shall be installed where required by code at all kitchens, bathrooms, and exterior locations.

2.5.3 Plumbing Systems

Piping systems

Description:

Hot and cold water piping was observed to be copper with ABS and cast iron waste piping in exposed areas.

Observations/Comments:

Camera survey to help determine conditions of the main lines is recommended. Routine maintenance including cleaning of waste lines recommended for the remaining life of the buildings.

Domestic Hot Water

Description:

The City of San Diego provides the cold water supply to the subject property. Water piping was observed to be copper in exposed areas. Hot water to the buildings is provided by six gas fired 30 gallon water heaters located outside each unit in a wood enclosure or in the garages. The laundry room has a 50 gallon gas fired water heater for the washer use.

Observations/Comments:

The domestic hot water tanks were in fair condition, and were not strapped to the building for seismic securing.

2.6 Vertical Transportation/Conveyor Systems

2.6.1 Elevators

Description:

None.

Observations/Comments:

None.

2.6.2 Escalators

Description:

None.

Observations/Comments:

None.

2.7 Fire/ Life Safety

Description:

Some smoke detectors were observed at the living room but seem in poor condition.

Observations/Comments

Install hard wired with battery back up smoke detectors in all bedrooms and living rooms.

2.7.1 Fire Sprinklers

Description:

The property is not equipped with a fire sprinkler system.

Observations/Comments:

None

2.7.2 Life Safety/Alarm Systems

Description:

The units do not have a fire alarm system.

Observations/Comments:

None

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2.8 Interior Elements

2.8.1 Room Mix

Description:

The subject property has six one bedroom, one bathroom units.

Observations/Comments:

None.

2.8.2 Viewed Spaces

APARTMENT UNITS OBSERVED: 6		
OCCUPIED UNITS OBSERVED: 6		
Unit	Type	Comments/Issue
4711	1 bedroom/1 bathroom	Good condition; walls and ceilings have some minor cracks
4713	1 bedroom/1 bathroom	Good condition; walls and ceilings have some minor cracks
4715	1 bedroom/1 bathroom	Good condition; walls and ceilings have some minor cracks
4717	1 bedroom/1 bathroom	Good condition; walls and ceilings have some minor cracks
4719	1 bedroom/1 bathroom	Good condition; walls and ceilings have some minor cracks
4721	1 bedroom/1 bathroom	Good condition; walls and ceilings have some minor cracks
VACANT UNITS OBSERVED: 0		
DOWN UNITS OBSERVED: 0		

2.8.3 Floor Coverings

Description:

Floor coverings consist of wood flooring in the living area. Ceramic tile or vinyl flooring in kitchens and bathrooms.

Observations/Comments:

The wood flooring was in good condition. The ceramic tile and vinyl flooring were in fair condition.

2.8.4 Ceiling and Walls

Description:

The interior walls and ceilings are plaster finished with texture and paint.

Observations/Comments:

Interior finishes were observed to be in good overall condition. Recommend routine maintenance, which would include interior painting for the remaining life of the building. The ceilings and walls will be upgraded as required for Noise Control requirements. Drywall will be replaced as needed to upgrade components behind the drywall.

2.8.5 Appliances and Cabinetry

Description:

Cabinetry consists of painted wood door fronts with wood shelves and ceramic tile countertops. Some countertops were replaced with plastic laminate. The kitchens do not have dishwashers.

Observations/Comments:

Kitchen appliances, cabinets and countertops are in good condition.

3.0 ADA COMPLIANCE

The review of this Subject Property for compliance with state and local accessibility requirements is beyond the scope of this report.

The scope of this report is limited to a general overview of the subject property improvements common public areas (of improvements considered to be "Public Accommodations") based upon the requirements of Title III of the Americans with Disability Act (ADA). Per Title III, disabled persons are to be provided accommodations and access equal to, or similar to, that available to the general public and requires that architectural and communication barriers in existing public accommodations be removed if they are "readily achievable" and are not an "undue burden". Most states and local municipalities have adopted accessibility requirements that, in some cases, may be more stringent than the ADA. Any "place of public accommodation", which is designed and constructed for first occupancy after January 26, 1992 is required to be compliant with ADA requirements.

This section will identify certain obvious items that do not appear to be in general conformance with the Title III requirements; without inferring that correction of the reported items will bring the property into total compliance with the ADA. While opinions of cost to correct or remove noted barriers are provided herein, they do not constitute an opinion that elimination of the barriers is "readily achievable" and not an "undue burden" as defined by the ADA. The owner must determine this issue. The ADA is not intended to affect the contractual responsibilities existing in lease agreements between owners and tenants. Typically, the tenant is responsible for review and making readily achievable accommodations in its own lease/work space while the owner is responsible for the common areas of the improvements.

Given the age of buildings, it is not in compliance with the current minimum ADA guidelines specifically as it relates to areas of "Public Accommodations" such as apartment unit access, parking and restrooms. Additionally, no major renovations to the Subject Property were reported to have been done after January 26, 1992. Therefore, Title III of the ADA does not apply to this property at this time.

It is important to note that the ADA was enacted as a guideline for designing new buildings and was not necessarily intended to serve as a regulation for existing buildings. Therefore, implementation of certain upgrades may not necessarily be mandated due to "grandfather clauses" and/or "undue hardships" involved in satisfying ADA standards. Upgrades and/or retrofits would most likely be required only in the event of significant property remodeling, reconstruction or use/occupancy reclassification. The extent of any upgrade requirements would be subject to interpretation by any number of city, state or federal agencies.

Corrections, if mandated, of these condition should be addressed from a liability standpoint and are not considered code violations. The guidelines are civil rights issues as they pertain to the disabled.

5.0 LIMITATIONS

Property Condition Assessment reports are observation in nature. Information contained in this report was obtained by means of site observations, interviews and Client-provided documents and information. Evaluation by visual observation is specifically limited to those items or components that are readily accessible and visible to the unaided eye. No testing, neither destructive nor non-destructive, was performed, and no calculations were performed to determine the capacities of the existing building systems. The observation of concealed or inaccessible areas of the subject property, which would have required the use of destructive investigation, was beyond the contracted scope of services. The information presented in this report represents the condition of the subject property at the time of site visit. Other issues may develop with time that were not evident at the time of this assessment. Parra Building Consultants has prepared this assessment using the degree of care and skill ordinarily exercised under similar conditions by reputable consultants performing due diligence in this or similar localities. No other expressed or implied warranty is made regarding the content of this assessment.

The section "Out of Scope Considerations" of the ASTM "Standard Guide for Property Condition Assessments: Baseline Property Condition Assessment Process" (ASTM E 2018-01) is incorporated by reference.

Items identified as requiring action are so noted. Conclusions and recommendations should be not construed in any way to constitute a warranty or guarantee regarding the current or future performance of the facility. Costs to perform work should be provided by a licensed contractor skilled the that particular trade or type of work

This report is intended to be read in whole. Information provided in the various sections is complementary and in some instances provides additional explanation of information concerning the assessment. Therefore, interpretations and conclusions drawn by reviewing only specific section are the sole responsibility of the user.

The representations regarding the status of ADA Title III compliance were based on visual observation and without any physical measurement and, thus are only intended to be a good faith effort to assist the owner/client by noting non-conforming conditions.

Owner/client has the right to reproduce in full and provide copies of the assessment report to interested parties including the owner's/client's agents, bond rating agencies, and exiting/potential loan or loan-pool participants. All reports, both verbal and written, are for the benefit of owner/client and its agents, employees, participants, and assigns.

This report is addressed to the owner/client, such other persons as may be designated by owner/client and their respective successors and assigns. Special conditions include (i) the report may be relied upon owner/client in determining whether to make a loan evidenced by a note ("the Property Note") secured by the subject property, (ii) the Report may be relied upon by any purchaser in determining whether to purchase the property note from owner/client and any rating agency rating securities issued by or representing an interest in the Mortgage Note, (iii) the report may be referred to in and included with materials offering for sale the property note or an interest n the property note, (iv) persons who acquire the property note or an interest in the property note may rely on the report, (v) the report speaks only as of its date in the absence of a specific written update of the report signed and delivered by contractor. This report has no other purpose and may not be relied upon by any other person or entity without written consent of Parra Building Consultants



THE CITY OF SAN DIEGO

City of San Diego
Development Services
1222 First Ave., 3rd Floor
San Diego, CA 92101-4154
(619) 446-5210
www.sandiego.gov/development-services

RECEIVED Development Permit CITY CLERK'S OFFICE Appeal Application

08 OCT 10 AM 10:00

See Information Bulletin 505, "Development Permits Appeal Procedure" for information on the appeal procedure.

1. Type of Appeal:

- ☐ Process Two Decision - Appeal to Planning Commission
☐ Process Three Decision - Appeal to Planning Commission
☐ Process Three Decision - Appeal to Board of Zoning Appeals

- ☐ Appeal of a Hearing Officer Decision to revoke a permit
☒ Process Four Decision - Appeal to City Council

2. Appellant Name Please check one ☐ Applicant ☐ Officially recognized Planning Committee ☒ "Interested Person" (Per M.C. Sec. 113.0103)
Affordable Housing Coalition of San Diego County and Citizens for Responsible Equitable Environmental Development,
c/o Cory J. Briggs, Briggs Law Corporation

Address City State Zip Code Telephone
99 East "C" Street, Suite 111, Upland, CA 91786 909-949-7115

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

Unknown

4. Project Information

Permit/Approval Being Appealed & Permit/Approval No.:

78145-4711 Biona Drive T.M.

Date of Decision:

10/9/08

City Project Manager:

Paul Godwin

Decision (describe the permit/approval decision):

The Planning Commission approved the application for a tentative map to convert residential units to condominiums without preparing an initial study or performing other study under the California Environmental Quality Act and in violation of other applicable laws, including the Subdivision Map Act.

5. Reason for Appeal

- ☒ Factual Error ☒ New Information
☐ Conflict with other matters ☒ City-wide Significance (Process Four decisions only)
☒ Findings Not Supported

Description of Reasons for Appeal (Please relate your description to the allowable reasons for appeal noted above. Attach additional sheets if necessary.)

The Planning Commission erred in approving the project without first preparing an initial study or performing any other study under the California Environmental Quality Act and in violation of San Diego Municipal Code §§ 125.0440(a)-(h), 142.1304, and 142.1305 and Government Code § 66412.3. The project does not qualify for exemption under section 15301 of the CEQA Guidelines. Furthermore, the project does not qualify for exemption due to the cumulative and other potential adverse environmental impacts of converting apartments to condominiums, especially in light of the numerous proposed conversions and the serious decline in affordable housing that the City of San Diego is facing. The City also has an independent obligation to conduct this environmental review under CEQA and the Subdivision Map Act (§ 66474). The opposition letter submitted by Briggs Law Corporation prior to approval of the project provides additional information that supports this appeal, including but not limited to the City's inability to make the finding required by Government Code § 66473.5 because the housing element has become invalid due to the City's failure to revise it lawfully and in a timely manner under Government Code § 65588(e). Evidence of cumulative impacts and other potential adverse environmental impacts of the conversions may not have been available to the person(s) on staff who made the determination of exemption or to the public until after the appeal period for the determination expired.

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature Cory J. BriggsDate October 10, 2008

Note: Faxed appeals are not accepted.

000573

BRIGGS LAW CORPORATION

San Diego Office:
5663 Balboa Avenue, No. 376
San Diego, CA 92111-2705

Telephone: 858-495-9082
Facsimile: 858-495-9138

Please respond to: Inland Empire Office

Inland Empire Office:
99 East "C" Street, Suite 111
Upland, CA 91786

Telephone: 909-949-7115
Facsimile: 909-949-7121

RLC File # 1007.09

Planning Commission
City of San Diego
202 C Street
San Diego, CA 92101

September 30, 2008

Re: Project Number: 78145
Project Name: 4711 Biona Drive TM
Commission Meeting Date: October 2, 2008

Dear Planning Commission:

On behalf of Citizens for Responsible Equitable Environmental Development and the Affordable Housing Coalition of San Diego County, I am writing to express my clients' opposition to approval of the above-referenced project, which is scheduled to be considered by the Planning Commission on the above-identified date.

My clients oppose approval of the project on the grounds that converting apartments to condominiums is subject to environmental review under the California Environmental Quality Act. The exemptions set forth in Section 15301 of the CEQA Guidelines do not apply to the project. Furthermore, the cumulative and other potential significant impacts of converting apartments to condominiums make the exemption inapplicable. Evidence of the project's cumulative adverse impacts is contained in, among other sources, (i) the City Attorney's memorandum dated November 10, 2005, regarding the applicability of CEQA to condominium conversions; (ii) the City Manager's report no. 05-060; (iii) the City Manager's report no. 05-060 rev.; (iv) the City Manager's report no. 05-106; (v) the City Manager's report no. 05-163; (vi) the City Council's prior resolutions declaring a state of emergency over the lack of affordable housing; and (vii) the City's current housing element (e.g., its comments about the environmental effects of condo conversions and the loss of affordable housing). Additionally, the project should be denied because your action in approving it would violate San Diego Municipal Code §§ 125.0440(a)-(h), 142.1304, and 142.1305 and Government Code §§ 66412.3 and 66474 (by not proceeding in the manner prescribed by law, not making all necessary findings, and not supporting the findings with sufficient evidence). Lastly, the project should not be approved because it is inconsistent with the housing element, thus precluding the necessary finding under Government Code § 66473.5; the housing element has not been lawfully revised as required by Government Code § 65588(e)(5) and therefore is invalid. My clients therefore urge the City of San Diego to comply with all applicable laws before approving the project or to deny approval.

Thank you for giving this matter the attention that it deserves.

Sincerely,

BRIGGS LAW CORPORATION

Cory J. Briggs
Cory Briggs

DATE REPORT ISSUED: August 28, 2008

REPORT NO.: PC-08-113

ATTENTION: Council President and City Council

ORIGINATING DEPARTMENT: Development Services Department

SUBJECT: 4711 Biona Drive Tentative Map, Project Number 78145

COUNCIL DISTRICT: 3

STAFF CONTACT: Paul Godwin, (619) 446-5103, pgodwin@san Diego.gov**REQUESTED ACTION:**

Appeal of the Planning Commission's decision to approve Tentative Map No. 242521 and waive the requirement to underground existing overhead utilities to convert six existing residential units to condominiums at 4711-4721 Biona Drive, within the Kensington-Talmadge neighborhood of the Mid-City Communities Plan area.

STAFF RECOMMENDATION: DENY the appeal and uphold the Planning Commission's decision to APPROVE the Tentative Map, including the request to waive the requirement to underground existing overhead utilities.

EXECUTIVE SUMMARY:

Tentative Map No. 242521, including the request to waive the requirement to underground existing overhead utilities, to convert six existing residential units to condominiums was approved by the Planning Commission and subsequently appealed by Citizens for Responsible Equitable Environmental Development, c/o Cory J. Briggs, Briggs Law Corporation (Attachment 1). This is a project appeal and not an environmental appeal; therefore, the environmental issues raised are not relevant to this appeal. The project was determined to be exempt from review under the California Environmental Quality Act (CEQA) and the appeal period for that decision had expired September 8, 2005.

Although the majority of the concerns raised in the Appeal Application are environmental issues that have been previously addressed, there are references to several San Diego Municipal Code (SDMC) and California Government Code sections which are not CEQA-related and may be addressed through this project appeal. These codes sections and staff's responses are contained below:

SDMC Sections 125.0440(a)-(h): These sections describe the required findings for a Tentative Map. The State Map Act (SMA) restricts the scope of the City's review and limits the findings that apply to the conversion of existing buildings into condominiums. SMA Section 66427 precludes the City from reviewing the building design and the division of the airspace and SMA Section 66427.2 exempts condo conversions from six of the eight standard Tentative Map findings. Based on the above, only findings 125.0440 (b) and (h) apply to condominium conversion projects and the appellant's assertion that all of the findings listed in 125.0440 (a)-(h) apply is incorrect. The two findings that do apply are described below.

SDMC Section 125.0440(b): *"The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code."* This project has been reviewed by staff and determined to be in compliance with the applicable zoning and development regulations, including the new condominium conversion regulations, as appropriate. Although the project does not comply with the current requirements for new construction, the project is allowed to maintain their current configuration because no additional units or expansion are proposed and it is considered previously conforming for density and development standards.

SDMC Section 125.0440(h) and California Government Code Section 66412.3: *"The decisionmaker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources."* This condominium project was approved by the Planning Commission, who was the decisionmaker required to make this finding. Staff believes the intent of this required finding is to respond to "leapfrog" development and to provide necessary public facilities for additional housing in communities. In this instance there is no net loss or gain of housing units, therefore, staff believes this appeal point is not valid.

SDMC Sections 142.1304 and 142.1305: These sections describe the requirements for approving a variance or waiver from the City's inclusionary housing requirements. The project would comply with the City's requirements either by paying an in-lieu fee or by providing onsite affordable housing. This project is not requesting a variance or waiver from the inclusionary housing requirements; therefore, these code sections are not relevant to this approved condominium conversion project.

The appeal also asserts that the Housing Element of the City's General Plan has become invalid due to the City's failure to revise it lawfully and in a timely manner. The current Housing Element was adopted by the City Council on December 5, 2006, and certified by the U.S. Department of Housing and Urban Development on February 5, 2007. This project was approved after the certification of the most recent Housing Element update. A 2007 California appeals court case addressed the question about whether a housing element updated beyond time periods identified in Government Code Section 65588 is invalid and determined that it was not. Therefore, the City's Housing Element has never been considered invalid and would not be grounds for denial of this project.

FISCAL CONSIDERATIONS:

None. All costs associated with the processing of this project are paid by the applicant.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:


On October 9, 2008, Planning Commission voted 5-1-1 to approve the project. The applicant has indicated that they received approval from the Kensington-Talmadge Community Planning Group on December 14, 2005, however, the Planning Group has no record of this approval. The applicant has elected to proceed without a formal Planning Group recommendation.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Owners: Matthew Browar and Nancy Browar; Applicant: D. Scott Peters, Sterling Land Services, Inc.; Citizens for Responsible Equitable Environmental Development, c/o Cory J. Briggs, Briggs Law Corporation. Other key stakeholders include those associated with condominium conversions in the development industry, the housing industry, and residents.



Kelly Broughton
Director, Development Services Department



William Anderson
Deputy Chief Operating Officer:
Executive Director of City Planning and
Development

CITY COUNCIL
RESOLUTION NO.
TENTATIVE MAP NO. 242521
4711 BIONA DRIVE TENTATIVE MAP - PROJECT NO. 78145
DRAFT

WHEREAS, M. S. BROWAR FAMILY TRUST, Applicant/Subdivider, and STERLING LAND SERVICES, SURVEYOR, submitted an application with the City of San Diego for a Tentative Map, No. 242521, for the conversion of six existing residential units to condominiums, including a request to waive the requirement to underground existing overhead utilities. The project site is located on the east side of Biona Drive between Adams Avenue and Alder Drive at 4711 – 4721 Biona Drive, and is legally described as Lots 1 and 2, Block B, Kensington Park Annex, Map No. 1780, in the RS-1-7 Zone, within the Kensington-Talmadge neighborhood of the Mid-City Communities Plan area; and

WHEREAS, the Map proposes the subdivision of a 0.25-acre site into one (1) lot for a six-unit residential condominium conversion; and

WHEREAS, the project is exempt from environmental review pursuant to Article 19, Section 15301(k) of the California Environmental Quality Act (CEQA) on the basis that the facilities are existing; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is six; and

WHEREAS, on October 9, 2008, the Planning Commission of the City of San Diego considered Tentative Map No. 242521, including the waiver of the requirement to underground the existing overhead utilities, and voted 5-1 to approve the project, by Resolution No. 4465-PC; and

WHEREAS, on October 10, 2008, an appeal of the Planning Commission's decision was filed by Affordable Housing Coalition of San Diego County and Citizens for Responsible Equitable Environmental Development c/o Cory J. Briggs, Briggs Law Corporation; and

WHEREAS, on January 13, 2009, the City Council of the City of San Diego considered Tentative Map No. 242521, including the waiver of the requirement to underground existing overhead utilities, and pursuant to Sections 125.0440 (tentative map), 125.0444 (condo conversion), and 144.0240 (underground) of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written

and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 242521:

1. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).
2. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
3. Each of the tenants of the proposed condominium project has received, pursuant to State Map Action Section 66452.9, written notification of intention to convert at least 60 days prior to the filing of a tentative map (Land Development Code 125.0444 and State Map Act Section 66427.1(a)).
4. The project has been conditioned that the Subdivider will give each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
5. The project has been conditioned that the Subdivider will give each tenant 10 days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, and that such report will be available on request (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
6. The project has been conditioned that the Subdivider will give each tenant of the proposed condominium project written notification within 10 days of approval of a final map for the proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(b)). If the subdivider chooses to provide affordable housing units, the subdivider shall enter into an affordable housing agreement with the Housing Commission, prior to recordation of the Final Map.
7. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed

conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(c)).

8. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, which notice shall be provided within 5 working days of the issuance of the Subdivision Public Report.. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right (Land Development Code Section 125.0444 and State Map Act Section 66427.1(d)).
9. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (Land Development Code Section 125.0444.b).
10. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed (Land Development Code Section 125.0444.c).
11. Each of the tenants of the proposed condominium project has received written notification of the project application for the condominium conversion within 10 days after the application was deemed complete (Land Development Code 125.0431(a)(3)).
12. The project has been conditioned that the subdivider will give each person applying for the rental of a unit in such residential real property written notification that the project application for the condominium conversion was deemed complete (Land Development Code 125.0431(a)(3)).
13. The project has been conditioned that the subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
14. A Building Conditions Report has been prepared in accordance with the Land Development Manual by a registered architect or engineer licensed by the State of California (Land Development Code Section 144.0504(b)).
15. The project has been conditioned that the subdivider will provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account. (Land Development Code Section 144.0504(c)).

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16. The project has been conditioned that the subdivider will provide a relocation assistance payment to all tenants of the project whose tenancy has terminated due to the condominium conversion. (Land Development Code Section 144.0505).
17. The project has been conditioned for the subdivider to complete the physical improvements as outlined in Land Development Code Section 144.0507, to the satisfaction of the City Engineer prior to final map approval.
18. The project has been conditioned for the subdivider to satisfy the inclusionary housing requirements in accordance with Land Development Code Section 142.1306. (Land Development Code Section 144.0508).
19. The requested underground waiver of the existing overhead facilities, qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that the conversion involves a short span of overhead facility (less than 600 feet in length), it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area, the conversion would represent an isolated undergrounding with a minimum probability of extension in the future, and the conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility.
20. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the City Council, Tentative Map No. 242521, including the waiver of the requirement to underground existing overhead utilities, is hereby granted to M. S. BROWAR FAMILY TRUST, Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Tentative Map will expire September 11, 2011.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the issuance of the Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition
4. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages,

judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant

5. The Subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:
 - a. For existing tenants, within 10 days of the project application for the *condominium conversion* being deemed complete; or
 - b. For prospective tenants, upon application for the rental of a unit in the proposed *condominium conversion*.
6. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act.
7. The Subdivider shall provide the tenants a Notice of Application for a Public Report at least 10 days prior to the submittal to the Department of Real Estate (DRB), pursuant to Section 66427.1(a) of the Subdivision Map Act.
8. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Section 66427.1(c) of the Subdivision Map Act. The provisions of this subdivision shall not alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the Civil Code.

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9. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Section 66427.1(d) of the State Map Act. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.
10. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days or approval of a Final Map for the proposed conversion, in conformance with Section 66427.1(b) of the Subdivision Map Act.

AFFORDABLE HOUSING

11. Prior to recordation of the Final Map the Subdivider shall comply with the affordable housing requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) by paying an in-lieu fee of \$4,500 (\$1.25 x 3,600 square feet), satisfactory to the Housing Commission.
12. Prior to the recordation of the Final Map, the Subdivider shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the Development Services Department and the Housing Commission.
13. The Subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
14. The Subdivider will provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account. (Land Development Code Section 144.0504(c)).

ENGINEERING

15. A Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder, prior to the Tentative Map expiration date.
16. The Subdivider shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street

light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage..

17. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
18. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
19. Prior to the recordation of the Final Map, the Subdivider shall demonstrate conformance with the Municipal Code provisions for building and landscape improvements (Land Development Code Sections 144.0507), to the satisfaction of the City Engineer. The parking requirements in Land Development Code Sections 144.0507 and 142.0525.a do not apply, since this project was deemed complete prior to the effective date of this ordinance (July 27, 2006).
20. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

21. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
22. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
23. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north

point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

SEWER AND WATER

24. Water and Sewer Requirements:

- a. The Subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.
- b. The Subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.

LANDSCAPE

- 25. Prior to recordation of the Final Map, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with the Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.
- 26. Prior to recordation of the Final Map, and after Landscape and Irrigation Construction Documents have been approved by Development Services, the Subdivider shall install all required landscaping consistent with the approved plans and the Land Development Manual, Landscape Standards.
- 27. Prior to recordation of the Final Map, it shall be the responsibility of the Permittee/Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

28. The Landscape Construction Plan shall take into account a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.
29. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
30. The Permittee or subsequent owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.
31. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Certificate of Occupancy or a Final Landscape Inspection.

INFORMATION:

- The approval of this Tentative Map by the Planning Commission of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within 90 days of the approval of this Tentative Map by filing a

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written protest with the City Clerk pursuant to California Government Code Section 66020.

- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, ON JANUARY 13, 2009.

By

Paul Godwin
Development Project Manager
Development Services Department

Job Order No. 42-4885

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Item 12

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
OCTOBER 9, 2008
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING**

CHRONOLOGY OF THE MEETING:

Chairperson Schultz called the meeting to order at 9:16 a.m. Chairperson Schultz adjourned the meeting at 7:00 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz –present (left @ 6:00pm)
Vice-Chairperson - Eric Naslund –present
Commissioner Robert Griswold – present
Commissioner Gil Ontai –present
Commissioner Dennis Otsuji – present
Commissioner Mike Smiley – not present
Commissioner Tim Golba - Present

Staff

Shirley Edwards, City Attorney - present
Mary Wright, Planning Department – present
Mike Westlake, Development Services Department – present
Brenda Clark, Legislative Recorder - present
Elisa Contreras, Recorder – present

ITEM-10: *Trailed from September 18, 2008, September 25, 2008 and October 2, 2008:*

7827 STALMER STREET TENTATIVE MAP -PTS 104906

City Council District: 6; Plan Area: Clairemont Mesa

Staff: Derrick Johnson

Speaker slip submitted in favor of project by Robert Bateman.

Speaker slip submitted oppose to project by Joy Sunyata.

COMMISSION ACTION:

MOTION BY COMMISSIONER NASLUND TO APPROVE TENTATIVE MAP 347677; AND APPROVE WAIVER TO THE REQUIREMENT TO UNDERGROUND EXISTING OVERHEAD UTILITIES AS PRESENTED IN REPORT NO. PC-08-122. Second by Commissioner Ontai Passed by vote of 5-1-1 with Commissioner Griswold voting nay and Commissioner Smiley not present. Resolution No. 4467-PC

ITEM-11: *Trailed from September 18, 2008, September 25, 2008, and continued from October 2, 2008:*

3918 MISSISSIPPI TENTATIVE MAP-PTS 95317

City Council District: 3; Plan Area: Greater North Park

Staff: Derrick Johnson

Speaker slip submitted in favor of project by Angela Messenger.

Speaker slip submitted oppose to project by Joy Sunyata.

COMMISSION ACTION:

MOTION BY COMMISSIONER OTSUJI TO APPROVE TENTATIVE MAP NO. 308422; AND APPROVE WAIVER TO THE REQUIREMENT TO UNDERGROUND EXISTING OVERHEAD UTILITIES AS PRESENTED IN REPORT NO. PC-08-123. Second by Commissioner Ontai. Passed by vote of 4-2-1 with Commissioner Schultz, Griswold voting nay and Commissioner Smiley not present. Resolution No. 4466-PC

ITEM-12: *Trailed from September 25, 2008 and continued from October 2, 2008:*

4711 BIONA DRIVE TM – PROJECT NO. 78145

City Council District: 3; Plan Area: Kensington-Talmadge

Staff: Paul Godwin

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Speaker slip submitted in favor of project by Scott Peters.

Speaker slip submitted oppose to project by Joy Sunyata.

COMMISSION ACTION:

MOTION BY COMMISSIONER OTSUJI TO APPROVE TENTATIVE MAP NO. 242521; AND APPROVE WAIVER OF THE REQUIREMENT TO UNDERGROUND THE EXISTING OVERHEAD UTILITIES AS PRESENTED IN REPORT NO. PC-08-113. Second by Commissioner Golba. Passed by a vote of 5-1-1 with Commissioner Griswold voting nay and Commissioner Smiley not present. Resolution No. 4465-PC

ITEM-13: *Appeal of Development Services Department Decision from January 2008, continued from August 7, 2008 and trailed September 25, 2008:*

*** T-MOBILE-BLACK MOUNTAIN MIDDLE SCHOOL – PROJECT NO. 6749**

City Council District: 1; Plan Area: Rancho Penasquitos

Staff: Karen Lynch-Ashcraft

Speaker slips submitted opposed to appeal in favor of project by Shelly Kilbourn, Robin Munro, Doug Mann.

Speaker slips submitted in favor of appeal, opposed to project by Charles Sellers, Sherri S. Lightner, Juliette Hall, Lynn Murphy, Ross Veta.

COMMISSION ACTION:

MOTION BY COMMISSIONER OTSUJI TO DENY THE APPEAL AND UPHOLD THE DEVELOPMENT SERVICES DEPARTMENT'S DECISION TO APPROVE NEIGHBORHOOD USE PERMIT NO. 520535 AS PRESENTED IN REPORT NO. PC-08-110. Second by Commissioner Golba. Passed by a vote of 6-0-1 with Commissioner Smiley not present. Resolution No. 4453-PC

ADDITIONAL RECOMMENDATION:

COMMISSIONER OTSUJI RECOMMENDED UPSIZING THE LANDSCAPING AND ADDING VINYL COATING TO THE PROPOSED FENCING.

ITEM-14: *Appeal of Development Services Department Decision from January 2008, continued from August 7, 2008 and trailed September 25, 2008:*

*** SPRINT NEXTEL-BLACK MOUNTAIN MIDDLE SCHOOL – PROJECT NO. 16218**

City Council District: 1; Plan Area: Rancho Penasquitos

Staff: Karen Lynch-Ashcraft

#333
and
#337

1/13/2009

From: Matthew A. Peterson [MAP@petersonprice.com]
Sent: Tuesday, January 13, 2009 8:56 AM
To: Hueso, Council President Ben; Lightner, Councilmember Sherri; KFAULCONER@sandiego.gov; Gloria, Councilmember Todd; Young, Anthony; De Maio, Councilmember Carl; Frye, Donna; Emerald, Councilmember Marti
Cc: SDAT City Attorney; Maland, Elizabeth; CLK City Clerk; Biagi, George; Hill, Stephen; Matt Browar; Scott Peters; Scott Peters; Kina Aziewicz
Subject: Today's docket 2:00pm Items #333 Biona St. appeal, & #337 3558 5th Ave appeal
Importance: High

Dear President Hueso and Members of the City Council, I represent Matt Browar, the owner. I am dealing with a family medical crisis today & tomorrow. Therefore, I cannot attend the hearing today. While it has historically been the practice of the City Council to deny the various Cory Briggs environmental and project appeals, if there is any question about the merits (or lack thereof) of the appeals that the City Attorney and/or staff cannot address, then I'd would request a continuance to 2/3/09. However, if it is the decision of the City Council to deny the appeals, then I would have no problem allowing that action to take place today. Thank you for your consideration and sorry about the late notice of my inability to attend the hearing today. Matt

Matthew A. Peterson
Peterson & Price, A Professional Corporation
655 West Broadway, Suite 1600
San Diego, CA 92101-3301
(619) 234-0361
(619) 234-4786 fax

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1/13/2009